

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS

Planning & Development
DIVISION

Planning & Zoning COMMITTEE: 08/17/2021

DATE

PUBLIC SESSION: 08/17/2021

DATE

ITEM (CHECK ONE)

ORDINANCE CONDEMNATIONS GRANT ACCEPTANCE / AMENDMENT
 RESOLUTION GRANT APPLICATION REQUEST FOR PUBLIC HEARING
 OTHER: _____

ITEM DESCRIPTION: A resolution approving a mixed use planned development
CASE NUMBER: PD 2021-20
DEVELOPMENT: 35 Central Planned Development
LOCATION: 3535 Central Avenue (southeast corner of Central and Highland)
COUNCIL DISTRICTS: District 5 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT: Bobalu, LLC – Bob Berry
REPRESENTATIVE: Dedrick Brittenum of Brittenum Law, PLLC
EXISTING ZONING: Residential Urban – 3 (RU-3), University District Overlay, and Residential Corridor Overlay
REQUEST: Mixed use planned development
AREA: +/-2.46 acres
RECOMMENDATION: The Office of Planning and Development recommended *Approval with conditions*
The Land Use Control Board recommended *Approval with conditions*
RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
Set public hearing date for – August 17, 2021

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
07/08/2021 _____ DATE
(1) Land Use Control Board _____ ORGANIZATION - (1) BOARD / COMMISSION
_____ (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) _____ REQUIRES CITY EXPENDITURE - (1) YES (2) NO
\$ _____ AMOUNT OF EXPENDITURE
\$ _____ REVENUE TO BE RECEIVED
SOURCE AND AMOUNT OF FUNDS
\$ _____ OPERATING BUDGET
\$ _____ CIP PROJECT # _____
\$ _____ FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
_____	_____	PRINCIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

PD 2021-20 – 35 Central Planned Development

Resolution requesting a mixed use planned development at 3535 Central Avenue (southeast corner of Central and Highland):

- This item is a resolution with conditions for a planned development to allow the above; and
- The Division of Planning & Development at the request of the Owner(s)/ Applicant(s): Bobalu, LLC – Bob Berry; and Representative(s): Dedrick Brittenum of Brittenum Law, PLLC; and
- This resolution, if approved with conditions, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.

RESOLUTION APPROVING THE 35 CENTRAL PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 3535 CENTRAL AVENUE (SOUTHEAST CORNER OF CENTRAL AND HIGHLAND, KNOWN AS CASE NUMBER PD 2021-20.

WHEREAS, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a planned development for certain stated purposes in the various zoning districts; and

WHEREAS, the Bobalu, LLC filed an application with the Memphis and Shelby County Division of Planning and Development to allow a mixed use planned development; and

WHEREAS, the Division of Planning and Development has received and reviewed the application in accordance with procedures, objectives and standards for planned developments as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and that the design and amenities are consistent with the public interest; and has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Memphis and Shelby County Land Use Control Board; and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on July 8, 2021, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned application pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said development is consistent with the Memphis 3.0 General Plan; and

WHEREAS, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and has determined that said development meets the objectives, standards and criteria for a special use permit, and said development is consistent with the public interests.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a planned development is hereby granted in accordance with the attached outline plan conditions.

BE IT FURTHER RESOLVED, that the requirements of said aforementioned clause of the Unified Development Code shall be deemed to have been complied with; that the outline plan shall bind the applicant, owner, mortgagee, if any, and the legislative body with respect to the contents of said plan; and the applicant and/or owner may file a final plan in accordance with said outline plan and the provisions of Section 9.6.11 of the Unified Development Code.

ATTEST:

CC: Division of Planning and Development
– Land Use and Development Services
– Office of Construction Enforcement

OUTLINE PLAN CONDITIONS

I. USES PERMITTED

A. AREA A:

1. Hotel, Full-Service: A hotel that features all of the following: meeting rooms, restaurant and bar, pool and/or spa, workout space, room service and concierge service.
 - a. 115 rooms permitted
2. Restaurant and Restaurant with sales of alcoholic beverages, Brew Pub (no accessory drive-through)

B. AREA B:

1. Levels 1-2: Structured Parking
2. Level 3: Office Uses (35,000 square feet permitted)
3. Level 4-6: Multi-Family/Apartment Residential (75 units/90 beds).

C. Accessory Uses shall be permitted in accordance with Chapter 2.9 of the Unified Development Code.

II. BULK REGULATIONS

A. The Building Envelope Standards for the University District Overlay of Sub-Section 8.3.6D through Section 8.3.8 of the Unified Development Code shall apply. Where provisions of these conditions are in conflict with the above referenced ordinance, these provisions apply.

B. Building Setbacks:

1. Front:
 - a. Central Avenue: 7-feet
 - b. Highland Street: 9-feet
2. Side (East): 35-feet
3. Rear (South): *None
**5-foot min. separation is required between detached buildings on separate lots.*

C. Maximum Building Heights:

1. Building A: 7 Stories, 85-feet
2. Building B: 6 Stories, 60-feet

D. All exterior façade materials shall be subject to review and administrative approval by the Division of Planning and Development.

E. The exterior façade finishing materials on the north and west elevations shall each be limited to a maximum of twenty (25%) percent metal panels, mesh, etc. and the exterior façade finish materials on the south and east elevations shall each be limited to a maximum of thirty (30%) percent metal panels, mesh, etc. The use of any metal panels, mesh, etc. is subject to administrative review and approval by the Division of Planning and Development. Note any use of metal mesh shall be intertwined with live vegetation to function as a “living wall” or partially screened with foundation plantings, subject to administrative review and approval by the Division of Planning and Development.

III. ACCESS, PARKING AND CIRCULATION

- A. Permit one (1) point of vehicular access along Central Avenue in the general location illustrated on the Outline Plan/Final Plat.
- B. Permit one (1) point of vehicular access along Highland Street in the general location illustrated on the Outline Plan/Final Plat.
- C. The design and location of curb cuts to be approved by the City Engineer.
- D. All internal drives shall be private, owned and maintained by a property owner's association.
- E. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader, etc.
- F. Clear sight triangles: No sight obstruction may be within the area to be kept clear. A sight obstruction is considered any object whose height is greater than three feet (3') above the grade of the respective center lines of the intersecting street, driveway, or vehicle access easement or tract.
- G. Off Street Parking:
 - 1. A maximum 280 structured and/or surface parking spaces shall be provided as accessory parking as generally illustrated on the Outline Plan/Final Plat.
 - 2. Shared parking shall be allowed for all permitted uses.
 - 3. Off street parking spaces shall conform Chapter 4.5 of the Unified Development Code.
 - 4. Off-street parking shall be accessible for public use.
 - 5. 10 bicycle parking spaces shall be provided in accordance with Sub-Section 4.5.3C of the Unified Development Code. The location shall be illustrated on the Outline Plan/Final Plat.
 - 6. In accordance with Paragraph 8.3.10E(1) of the Unified Development Code, excluding residential buildings, any building, structure, or use is exempt from the off-street parking spaces for motor vehicles and loading requirements of Chapter 4.5 of the Unified Development Code.
 - 7. All residential buildings, structures or uses shall provide a minimum number of off-street, on-site parking spaces equal to 0.5 spaces per bedroom contained in the building, structure or use.

IV. LANDSCAPING AND SCREENING REQUIREMENTS

- A. The landscape and screening specifications outlined in Chapter 4.6 of the Unified Development Code shall apply as modified.
- B. Streetscape Plate S-1 Modified shall be required along Central Avenue and Highland Street.
- C. A 7-foot wide Class III Buffer shall be required where the subject property adjoins adjacent R-6 zoning district designation unless otherwise specified. Refer to Class III Buffer Plate.
- D. The Class III Buffer may be reduced to 5-foot along the north boundary of Lot 8 of Chandler's Central Avenue Subdivision.

- E. A minimum 5-foot wide landscape buffer shall be required where the subject property adjoins adjacent RU-3 zoning district designation. No landscape buffer shall be required where the building extends to the property line. Refer to 5-foot Landscape Buffer Plate.
- F. Dumpsters and similar kinds of trash containers shall be full enclosed by opaque walls, at least eight (8) feet in height with self-closing access doors and shall be constructed of materials and methods similar to that of the building.

V. LIGHTING REQUIREMENTS

All outdoor site lighting shall comply with Chapter 4.7 of the Unified Development Code.

VI. SIGNS

- A. Signs shall be permitted in accordance with University District Overlay standards set forth in Section 8.3.13 of the Unified Development Code, except as modified below.
- B. Roof mounted signs shall be prohibited.
- C. Detached signs shall be limited to non-branded wayfinding, i.e. entry and exit.
- D. In addition to the total allowable signage that is permitted in the University District Overlay per Sub-Section 8.3.13H of the Unified Development Code, a maximum of sixty (60) square feet of attached corporate branded wayfinding signage for the full-service hotel may be permitted.
- E. All signage shall be shown on the final plat and be subject to administrative review and approval by the Division of Planning and Development. Note identifying dimensional signage areas rather than specific branding is acceptable.

VII. DRAINAGE

- A. A Stormwater Detention Waiver is granted for the subject property.
- B. All drainage plans shall be submitted to the City Engineer for review and approval.
- C. The developer is required under 40CFR 122.26(b)(14) and TCA 69-3-101 et. Seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

VIII. MISCELLANEOUS

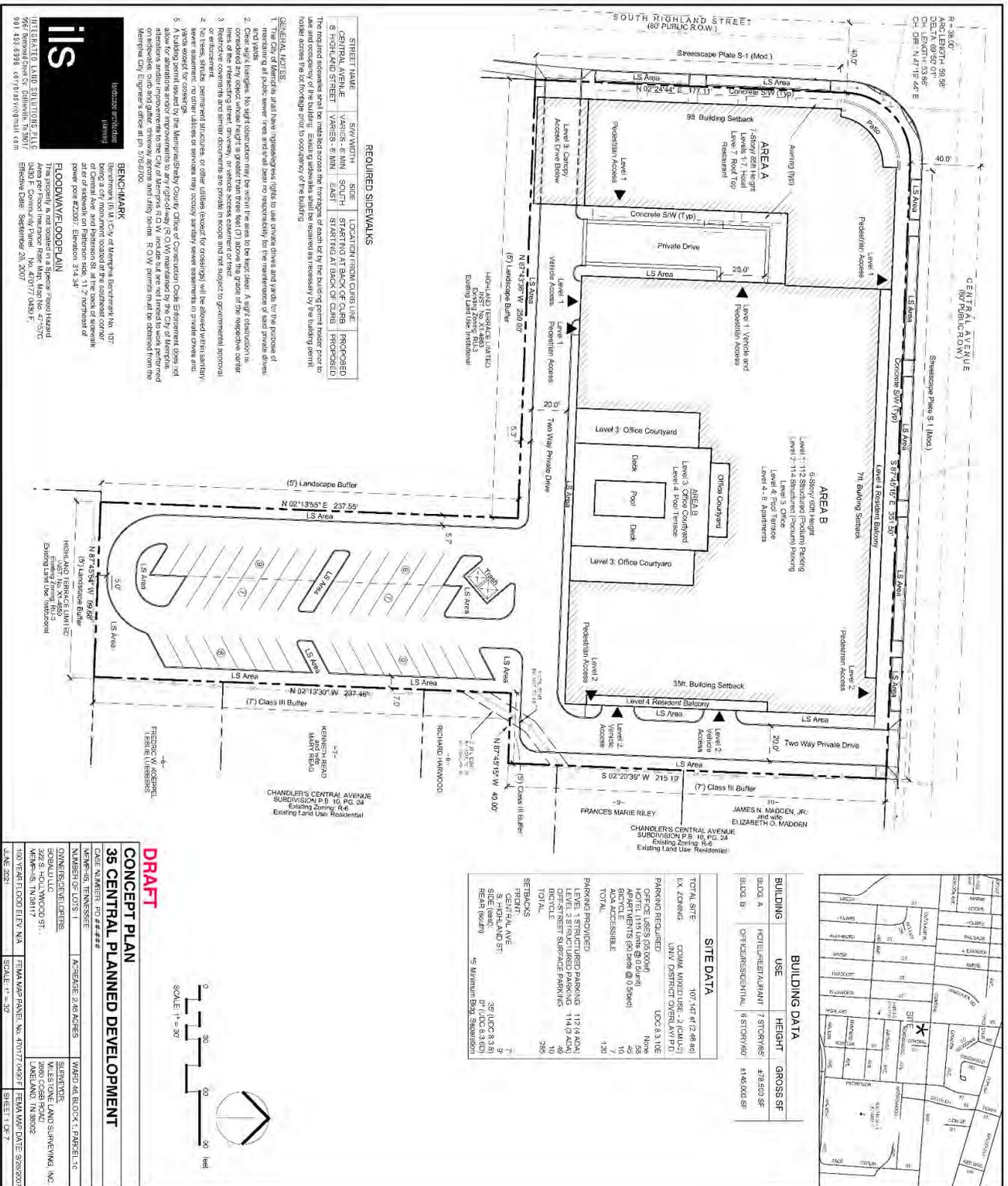
- A. The Land Use Control Board may modify the building and parking placement, building elements streetscapes and landscaping, site development standards, signs, outdoor site lighting and public improvements if equivalent alternatives are presented. Any adjacent property owner who is dissatisfied with the modifications approve by the Land Use Control Board may within ten (10) days of such action, file a written appeal to the Director of the Office of Planning and Development to have such action reviewed by the Memphis City Council.

- B. All common areas shall be owned and maintained by the property owners association recorded in the Shelby County Register Office.

VIII. PERIOD OF VALIDITY

- A. The Outline Plan/Final Plat period of validity shall be governed by Section 9.6.14 of the Unified Development Code.
- B. Time extensions. Where applicable, an application for a time extension may be filed as a Major Modification subject to Paragraph 9.6.11E(2) of the Unified Development Code. An application for a time extension shall be filed prior to the date of expiration and shall be subject to the provisions of Chapter 9.16 of the Unified Development Code.

CONCEPT PLAN



STREET NAME	SW WIDTH	SIDE	LOCATION FROM CURB LINE
CENTRAL AVENUE	VARIABLE - 8' MIN.	SOUTH	STARTING AT BACK OF CURB
S HIGHLAND STREET	VARIABLE - 8' MIN.	EAST	STARTING AT BACK OF CURB

REQUIRED SIDEWALKS

The required sidewalk area be marked across the frontages of each lot by the building permit holder prior to use and occupancy of the building. Existing sidewalks shall be retained as necessary by the building permit holder across the lot to provide access to occupants of the building.

GENERAL NOTES

- The City of Memphis shall have ingress/egress rights to use street drives and yards for the purpose of maintaining all public sewer lines and shall bear no responsibility for the maintenance of said private drives.
- Clear sight triangles. No sight obstruction may be within the area to be kept clear. A sight obstruction is considered any object whose height is greater than three feet (3) above the grade of the respective centerline of the street.
- Retention of existing street, driveway, or service access easement or utility.
- Retention of existing street, driveway, or service access easement or utility subject to governmental approval or enforcement.
- No trees, shrubs, permanent structures, or other utilities (except for conduits) will be allowed within sanitary yards except for concrete utility structures or other utilities (except for conduits) within sanitary yards.
- A building permit issued by the Memphis City Office of Construction Code Enforcement does not allow for alterations and/or improvements to any right-of-way (R.O.W.) maintained by the City of Memphis, on adjacent lots and/or other utility zones and utility service. R.O.W. permits must be obtained from the Memphis City Engineer's office at 311 1/2 S. GUYTON.

BENCHMARK

The City of Memphis, Benchmark No. 137, located at the northeast corner of the intersection of Central Ave. and Patterson St., at the back of sidewalk power pole #22001. Elevation: 374.34.

FLOODWAY/FLOODPLAIN

This property is not located in a Special Flood Hazard Area (SFHA) as shown on the Flood Insurance Rate Map (FIRM) No. 40177 0401 F, Effective Date: September 28, 2007.

STREET NAME	SW WIDTH	SIDE	LOCATION FROM CURB LINE
CENTRAL AVENUE	VARIABLE - 8' MIN.	SOUTH	STARTING AT BACK OF CURB
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SETBACKS	REQUIREMENTS
FRONT	98' Building Setback
REAR	35m Building Setback
SIDE	Varies by lot and level

AREA	DESCRIPTION	AREA
AREA A	3 STORY SIGHT HEIGHT	112.4 ACRES
AREA B	2 STORY SIGHT HEIGHT	114.8 ACRES

ITEM	VALUE
TOTAL SITE	107,147 sq ft (2.46 AC)
EX ZONING	COMM. MIXED USE - 3 (CMU-3)
PARKING REQUIRED	1,000
PARKING PROVIDED	1,000
APARTMENTS	100
OFFICE SPACE	100,000 sq ft
TOTAL	1,000

BUILDING	USE	HEIGHT	GROSS SF
BLDG. A	HOTEL/RESIDENTIAL	7 STORIES	478,500 SF
BLDG. B	OFFICE/RESIDENTIAL	8 STORIES	418,000 SF

35 CENTRAL PLANNED DEVELOPMENT

MEMPHIS, TENNESSEE

OWNER: [REDACTED]

DESIGNER: [REDACTED]

DATE: [REDACTED]

ils

Integrated Land Solutions

100 VICTOR COOPER BLVD. N.A.

MEMPHIS, TN 38117

TEL: 901.438.6338

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AGENDA ITEM: 12

CASE NUMBER: PD 2021-20 **L.U.C.B. MEETING:** July 8, 2021
DEVELOPMENT: 35 Central Planned Development
LOCATION: 3535 Central Avenue (southeast corner of Central and Highland)
COUNCIL DISTRICT: District 5 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT: Bobalu, LLC – Bob Berry
REPRESENTATIVE: Dedrick Brittenum of Brittenum Law, PLLC
REQUEST: Mixed use planned development
AREA: +/-2.46 acres
EXISTING ZONING: Residential Urban – 3 (RU-3), University District Overlay, and Residential Corridor Overlay

CONCLUSIONS

1. This request is a companion case to RC-2021-01 and Z 2021-05.
2. The applicant is requesting a mixed use planned development. Area A at the immediate corner of Central Avenue and South Highland Street of the site is proposed to consist of a full-service hotel and restaurant(s) while Area B the remaining area of the site is proposed to include multifamily, offices, and structured parking.
3. The proposed high-quality mixed use infill development would contribute the revitalization of the University District and further showcase economic development within this anchor neighborhood.
4. Note as conditioned the use of metal mesh is required to be intertwined with live vegetation to function as a “living wall” or be partially screened with foundation plantings.
5. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.
6. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities are compatible with the surrounding land uses.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 32-34 of this report.

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Street Frontage:	Central Avenue	+/-381.29 curvilinear feet
	South Highland Street	+/-206.90 curvilinear feet
Zoning Atlas Page:	2140	
Parcel ID:	046001 00001C	
Existing Zoning:	Residential Urban – 3 (RU-3), University District Overlay, and Residential Corridor Overlay	

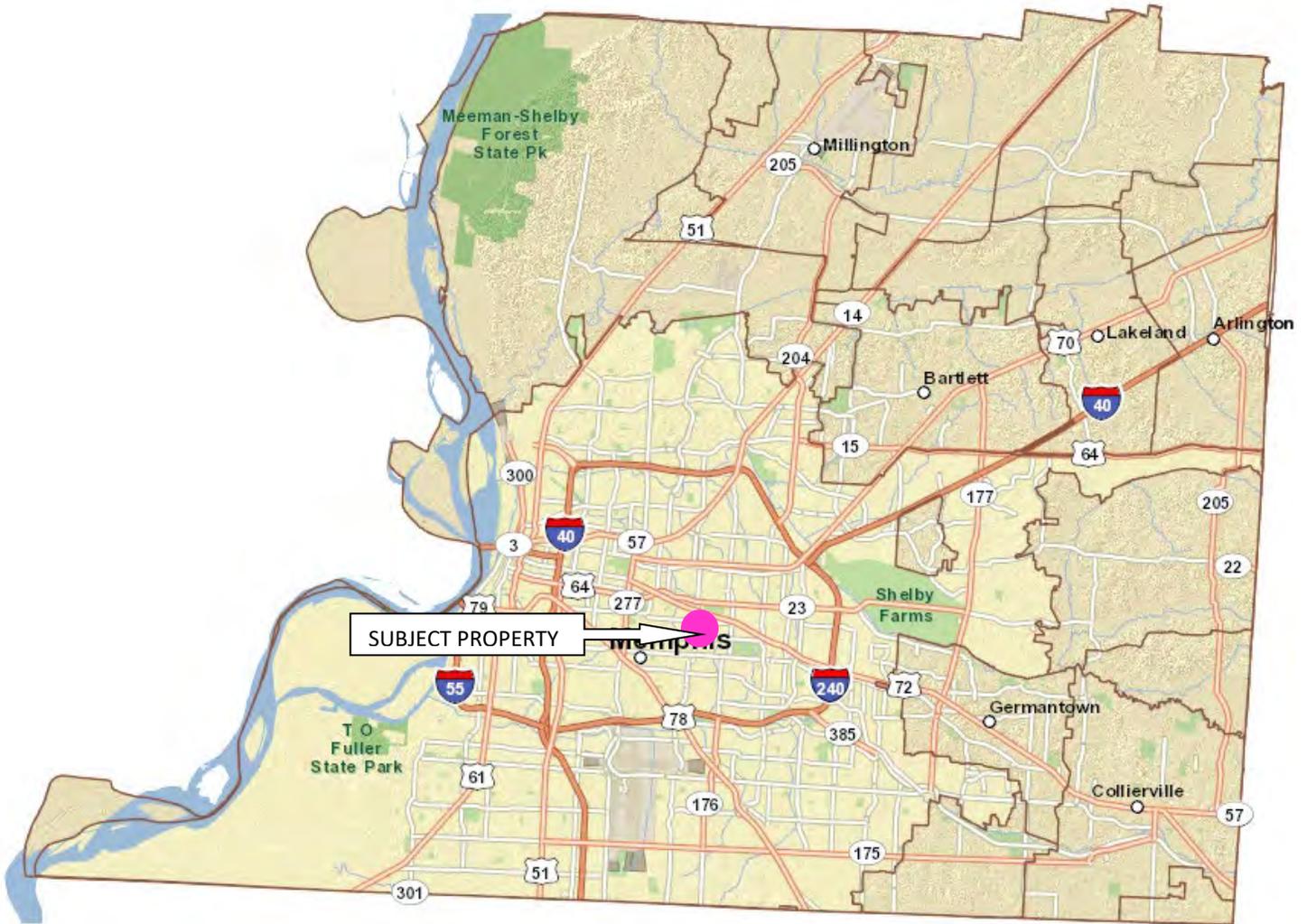
NEIGHBORHOOD MEETING

The meeting was held at 6:00 PM on Thursday, June 24, 2021, at the Third Church of Christ, Scientist, 3535 Central Avenue.

PUBLIC NOTICE

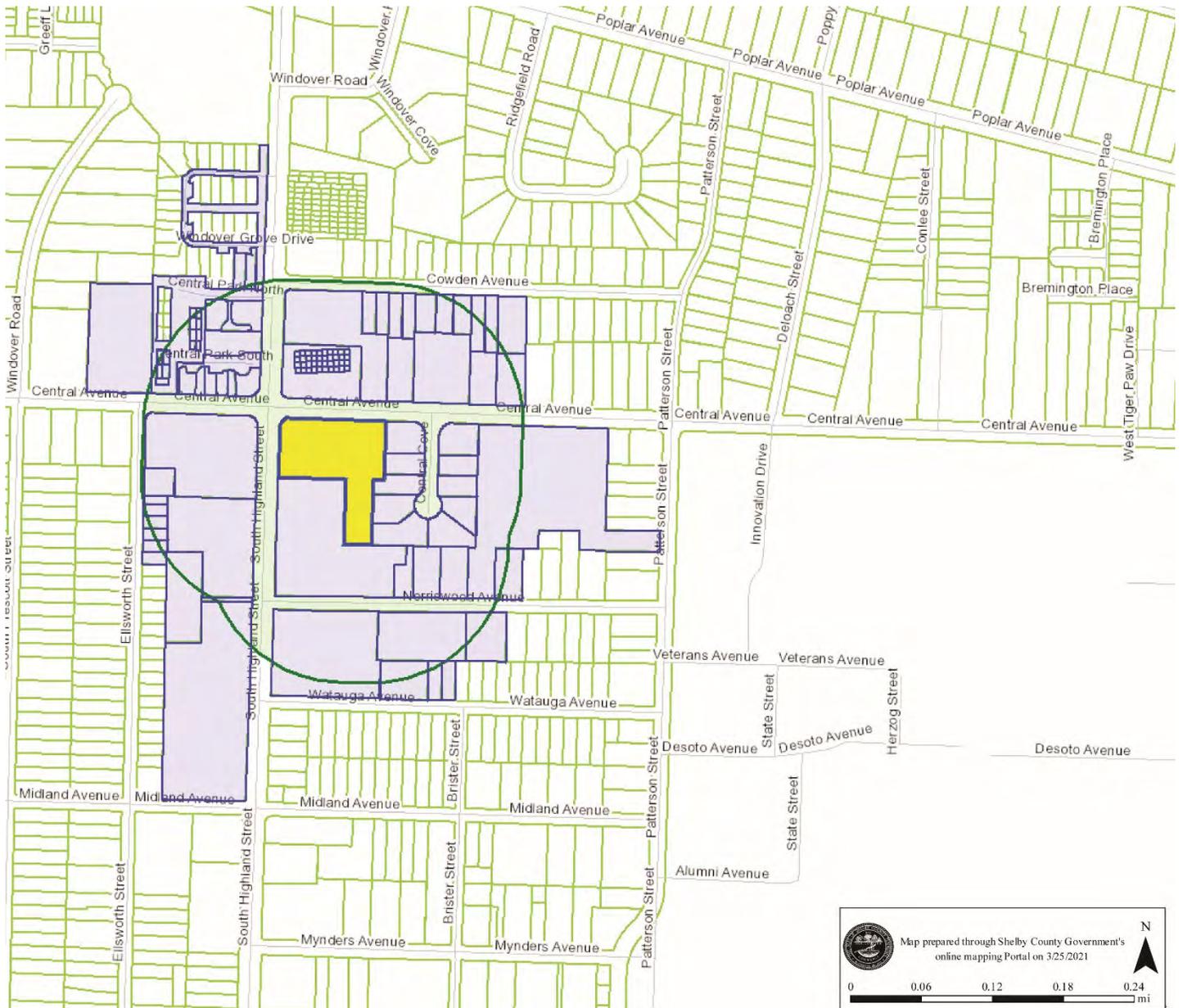
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 125 notices were mailed on June 22, 2021, and a total of 2 signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



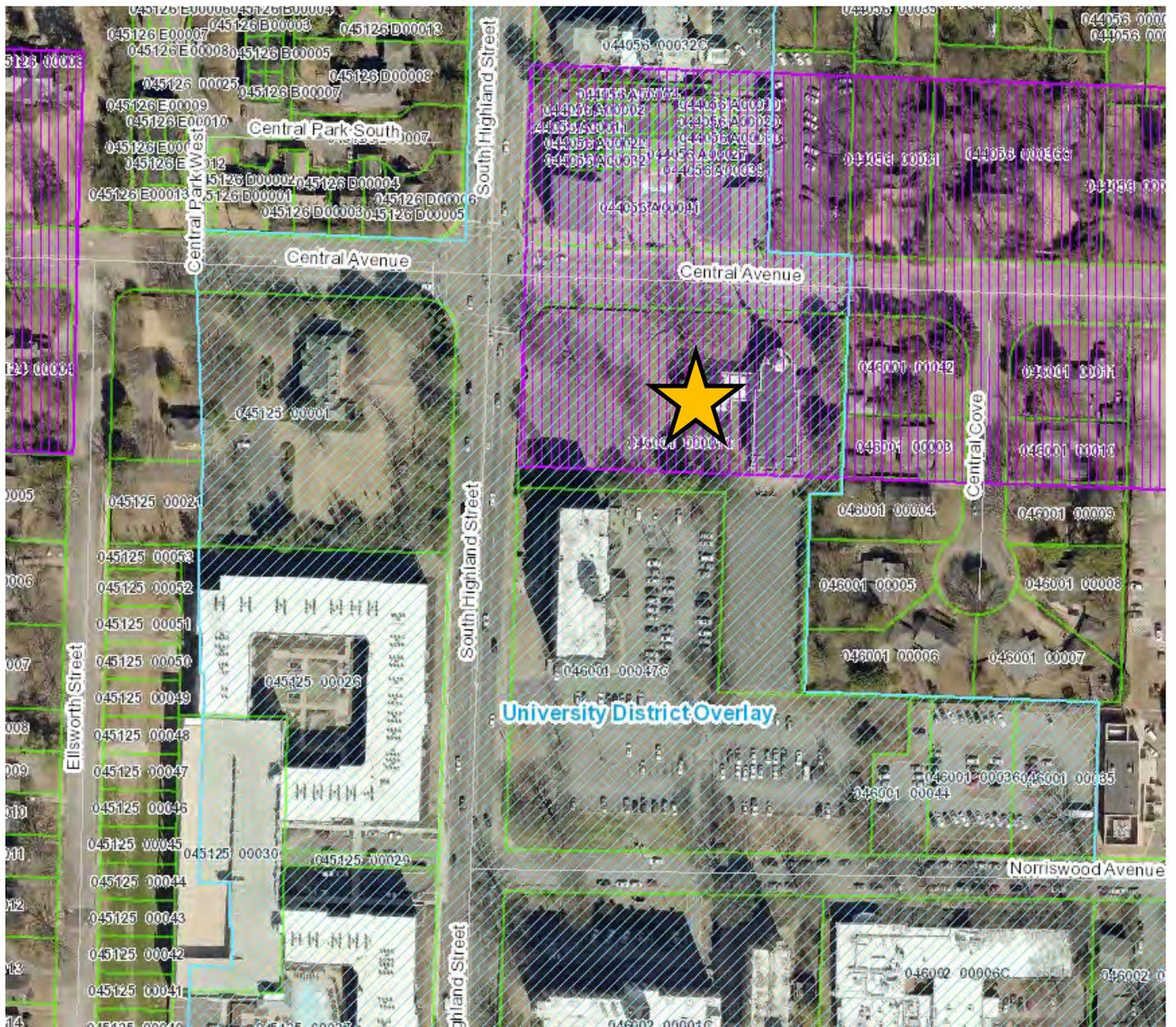
Subject property located within the pink circle, University District neighborhood

VICINITY MAP



Subject property highlighted in yellow

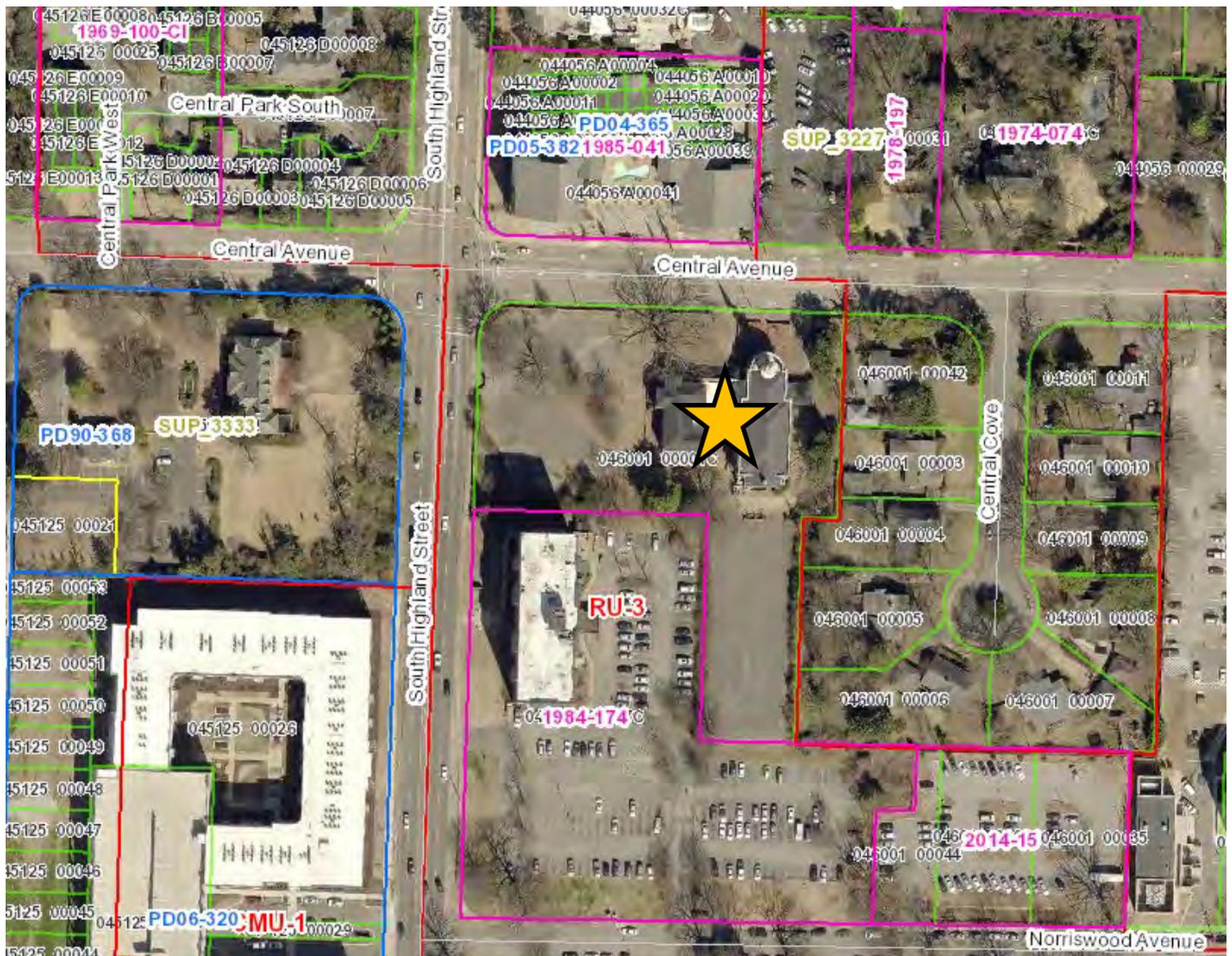
OVERLAY MAP



Subject property indicated by an orange star

Here we can see the subject property is fully within the University District Overlay (blue) and that the northern 200 feet of the property is within a Residential Corridor Overlay (purple).

ZONING MAP



Subject property indicated by an orange star

Existing Zoning: Residential Urban – 3 (RU-3)

Surrounding Zoning

North: Residential Urban – 3 (RU-3) and Residential Single-Family – 6 (R-6)

East: Residential Single-Family – 6 (R-6)

South: Residential Urban – 3 (RU-3)

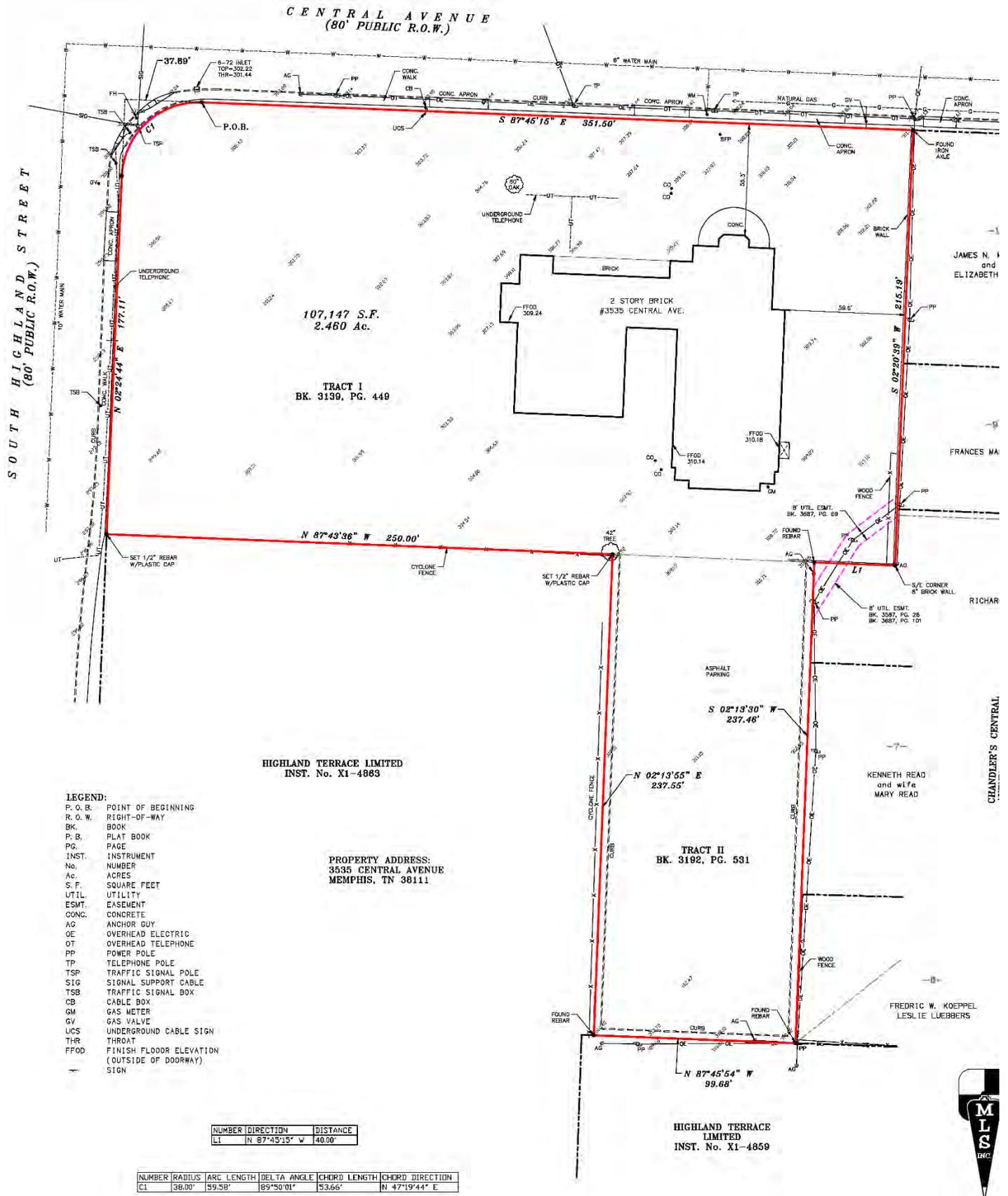
West: Commercial Mixed Use – 1 (CMU-1) and Residential Single-Family – 6 (R-6)

LAND USE MAP



Subject property outlined in electric blue and indicated by an orange star

SURVEY – ZOOMED



LEGAL DESCRIPTION

Description of the Second Church of Christ, Scientist, of Memphis, Tennessee property of record in Book 3139, Page 449 and Book 3192, Page 531 in Memphis, Shelby County, Tennessee:

Beginning at a point in the south line of Central Avenue (80' R.O.W.), said point being the east end of a curve having a radius of 38.00 feet located 37.89 feet east of the tangent intersection of the south line of said Central Avenue and the east line of South Highland Street (80' R.O.W.); thence south 87 degrees 45 minutes 15 seconds east with the south line of said Central Avenue, 351.50 feet to a found iron axle in the west line of Lot 10, Chandler's Central Avenue Subdivision recorded in Plat Book 10, Page 24; thence in a southerly direction with the west line of said subdivision recorded in Plat Book 10, Page 24 the following calls: south 02 degrees 20 minutes 39 seconds west, 215.19 feet to the southeast corner of an existing 8" brick wall; north 87 degrees 45 minutes 15 seconds west, 40.00 feet to a found rebar; south 02 degrees 13 minutes 30 seconds west, 237.46 feet to a found rebar in the north line of the Highland Terrace Limited property recorded at Instrument No. X1-4859; thence; north 87 degrees 45 minutes 54 seconds west with the north line of said property recorded at Instrument No. X1-4859, 99.68 feet to a found rebar in the east line of the Highland Terrace Limited property recorded at Instrument No. X1-4863; thence north 02 degrees 13 minutes 55 seconds east with the east line of said property recorded at Instrument No. X1-4863, 237.55 feet to a set 1/2" rebar with plastic cap; thence north 87 degrees 43 minutes 36 seconds west with the north line of said property recorded at Instrument No. X1-4863, 250.00 feet to a set 1/2" rebar with plastic cap in the east line of the aforesaid South Highland Street; thence north 02 degrees 24 minutes 44 seconds east with the east line of said South Highland Street, 177.11 feet to a point of curvature; thence in a northeasterly direction along a curve to the right having a radius of 38.00 feet, delta angle of 89 degrees 50 minutes 01 seconds, chord = north 47 degrees 19 minutes 44 seconds east - 53.66 feet, an arc length of 59.58 feet to the Point of Beginning and containing 107,147 square feet or 2.460 acres of land.

This being the same property described in Schedule A of Chicago Title Insurance Company Commitment No. 8449992, dated May 27, 2020.

SITE PHOTOS



View of subject property from Central Avenue looking south



View of subject property from Central Avenue looking south

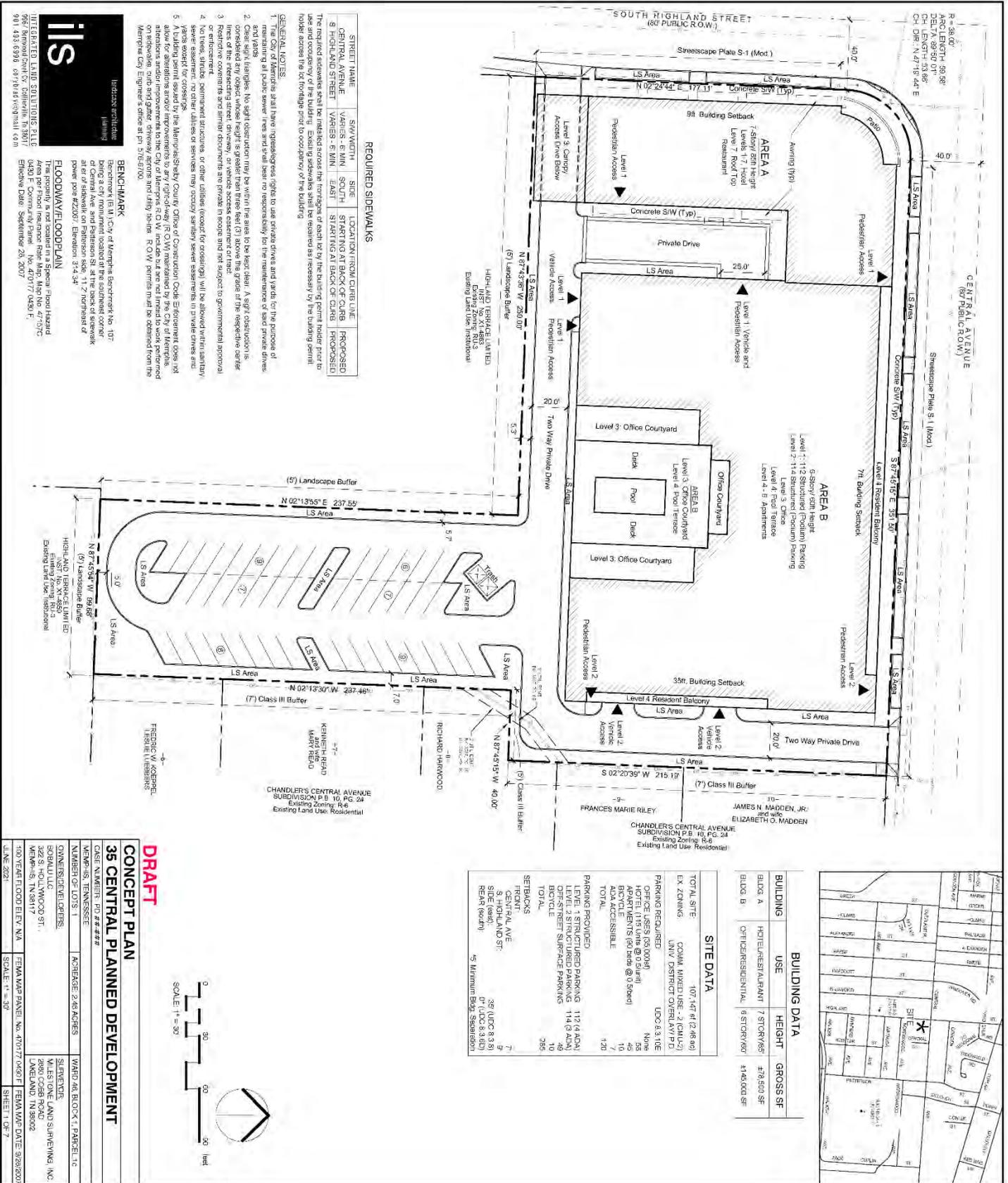


View of subject property from the intersection of Central Avenue and South Highland Street looking southeast



View of subject property from South Highland Avenue looking east

CONCEPT PLAN



REQUIRED SIDEWALKS

STREET NAME	SW WIDTH	SIDE	LOCATION FROM CURB LINE	PROPOSED
CENTRAL AVENUE	VARIABLE - 6' MIN	SOUTH	STARTING AT BACK OF CURB	PROPOSED
S HIGHLAND STREET	VARIABLE - 6' MIN	EAST	STARTING AT BACK OF CURB	PROPOSED

The required sidewalks shall be installed across the frontages of each lot by the building permit holder prior to holder receipt of the lot for the project to occur by the building permit.

GENERAL NOTES:

- The City of Memphis shall have ingress/egress rights to use private drive and yard for the purpose of maintaining all public sewer lines and shall bear no responsibility for the maintenance of said private drive.
- Clear sight triangles. No sight obstruction may be within the area to be kept clear. A sight obstruction is considered any object whose height is greater than three feet (3') above the grade at the respective center lines of the intersecting street, driveway, or vehicle access easement or road.
- Resistive coatings and similar documents are private in scope and not subject to governmental approval.
- No trees, shrubs, ornamental structures, or other utilities (except for crossings) will be allowed within sanitary sewer easement; no other utilities or services may occupy sanitary sewer easement in private drives and yards except for crossings.
- The property is not located in a Special Flood Hazard Area per Flood Insurance Rate Map, M9700-077-0453-F-1.

BENCHMARK

Benchmark (S.M.C.U. of Memphis Benchmark No. 107) being a city monument located at the southeast corner of Central Ave and Patterson St. at the back of sidewalk at of sidewalk of Patterson Side 11.7' northeast of power pole #22007. Elevation: 314.54'

FLOODWAY/FLOODPLAIN

The property is not located in a Special Flood Hazard Area per Flood Insurance Rate Map, M9700-077-0453-F-1.



INTEGRATED LAND SOLUTIONS, LLC
9667 Remond Street, Collierville, TN 38017
901.433.6393, info@ilsdesign.com

BUILDING DATA

BUILDING	USE	HEIGHT	GROSS SF
BLDG. A	HOTEL/RESTAURANT	7 STORIES/65'	478,800 SF
BLDG. B	OFFICE/RESIDENTIAL	6 STORIES/60'	1,145,000 SF

SITE DATA

TOTAL SITE	107,447 SF (2.46 AC)
EX. ZONING	COMM. MIXED USE DISTRICT (CMX) / R-6
PARKING REQUIRED (90%)	UDC 8.3.10E
HOTEL (115 Units @ 0.5/Unit)	58
APARTMENTS (90 Units @ 0.5/Unit)	45
BICYCLE	10
ADA ACCESSIBLE	120
TOTAL	113

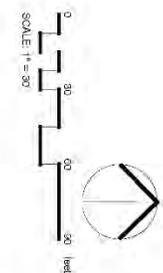
PARKING PROVIDED:
LEVEL 1 STRICTLY RESERVED PARKING: 113 (14 ADA)
DEFERRED SURFACE PARKING: 45
TOTAL: 158

SETBACKS:
FRONT: 35' (UDC 8.3.8)
SIDE: 10' (UDC 8.3.8)
REAR (each): 45' (Minimum Req. Separation)

DRAFT

35 CENTRAL PLANNED DEVELOPMENT

DATE	NUMBER	BY	SCALE
REVISIONS	DESCRIPTION	DATE	BY
NUMBER OF LOTS	1	ACRES	2.46 ACRES
OWNER'S DEVELOPER	SINCEXIDE		
SUBSIDIARY	MILLS ONE LAND SHAPING, INC.		
ADDRESS	100 VERNAL COOD ELEV. N/A		
PREPARED BY	TEMA WAT PANKET, No. 470777-0453-F1		
DATE	9/28/2020		
SHEET	1 OF 7		



ELEVATIONS NORTH AND WEST

WEST ELEVATION
Not to Scale

NORTH ELEVATION
Not to Scale

DRAFT

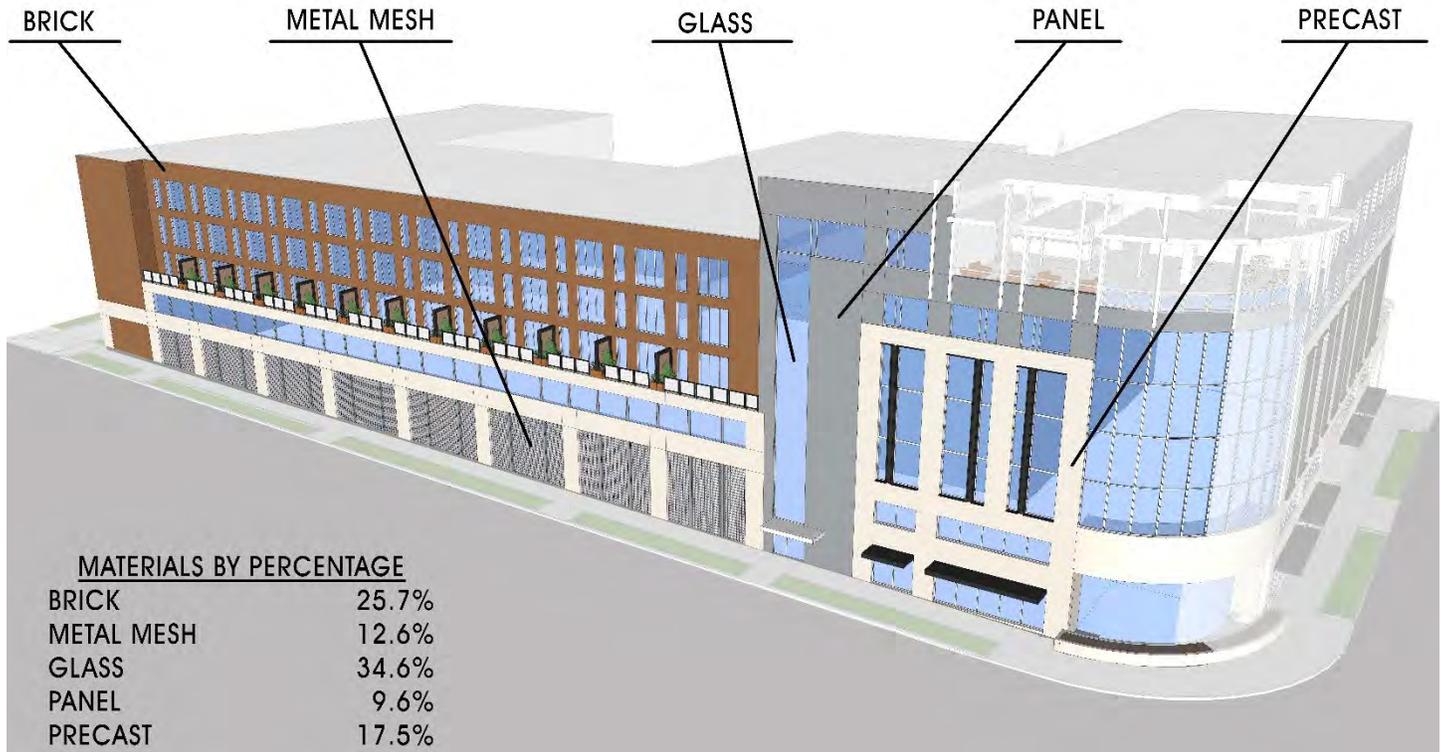
Building Elevations
OUTLINE/FINAL PLAT
35 CENTRAL PLANNED DEVELOPMENT

CASE NUMBER: PD # ##-### COUNTY: TENNESSEE NUMBER OF LOTS: 1 ACREAGE: 2.46 ACRES WARD: 46, BLOCK: 1, PARCEL: 1c OWNERS/DEVELOPERS: BOBALU LTD. 222 S. HIGHLAND ST. MEMPHIS, TN 38111 100 YEAR FLOOD ELEV. N/A JUNE 2021	WARD: 46, BLOCK: 1, PARCEL: 1c SURVEYOR: MILESTONE LAND SURVEYING, INC. 2890 COBB ROAD LAWRENCE, TN 38462 FEMA MAP PANEL: No. 470177 0480 F FEMA MAP DATE: 9/28/2017 NOT TO SCALE SHEET 6 OF 7
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CONCEPTUAL RENDERING



EXTERIOR FINISHES

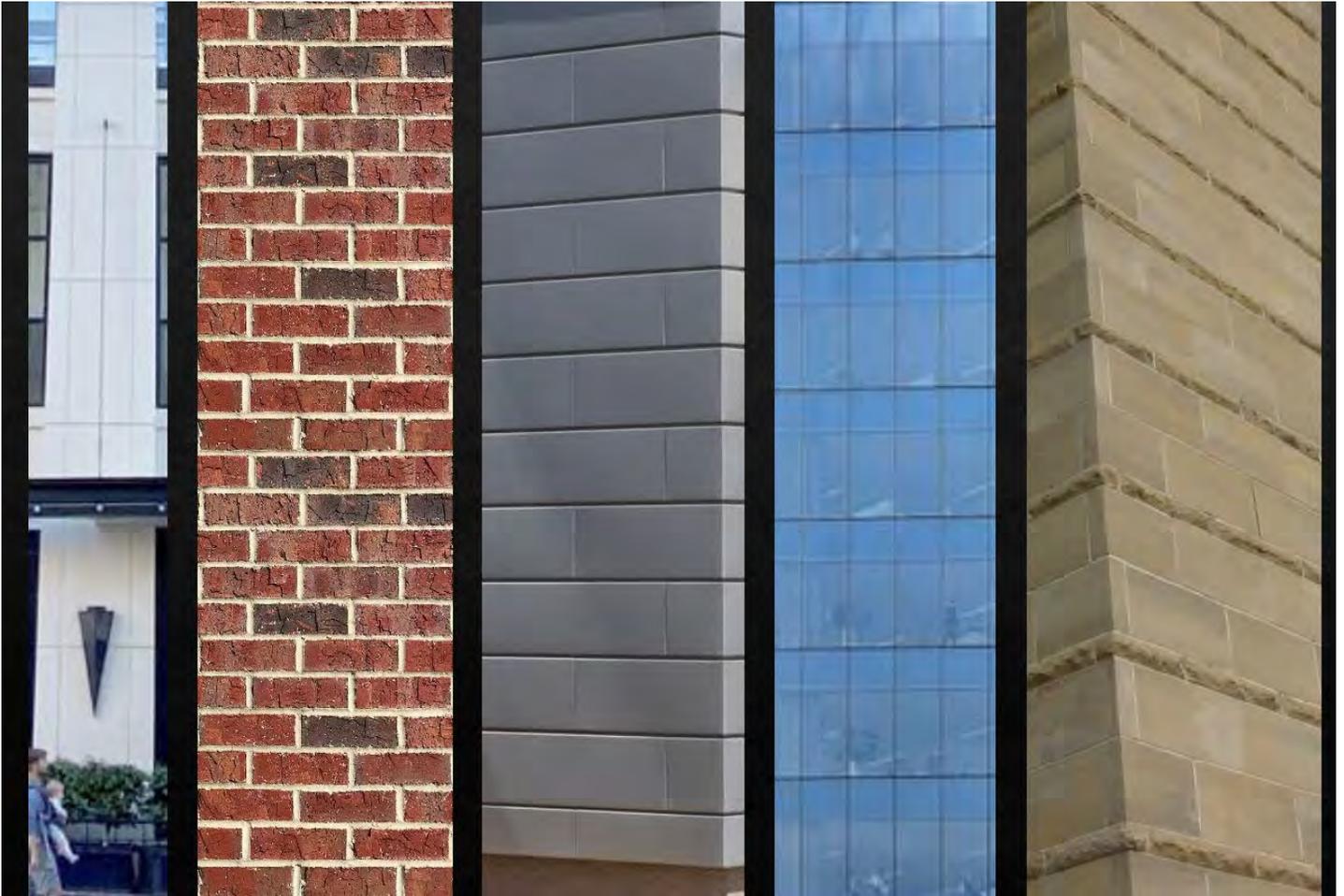


View looking southeast; Central Avenue is in the foreground and South Highland Street is on the right.



View looking southeast; South Highland Street is in the foreground and Central Avenue is on the left.

CONCEPTUAL EXAMPLES OF EXTERIOR FINISHES



STAFF ANALYSIS

Request

The application, planned development general provisions, and letter of intent have been added to this report.

The request is for a mixed use planned development

Applicability

Staff agrees the applicability standards and criteria as set out in Section 4.10.2 of the Unified Development Code are or will be met.

4.10.2 Applicability

The governing bodies may, upon proper application, grant a special use permit for a planned development (see Chapter 9.6) for a tract of any size within the City or for tracts of at least three acres in unincorporated Shelby County to facilitate the use of flexible techniques of land development and site design, by providing relief from district requirements designed for conventional developments, and may establish standards and procedures for planned developments in order to obtain one or more of the following objectives:

- A. Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.*
- B. Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.*
- C. Functional and beneficial uses of open space areas.*
- D. Preservation of natural features of a development site.*
- E. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.*
- F. Rational and economic development in relation to public services.*
- G. Efficient and effective traffic circulation, both within and adjacent to the development site, that supports or enhances the approved transportation network.*
- H. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.*
- I. Revitalization of established commercial centers of integrated design to order to encourage the rehabilitation of such centers in order to meet current market preferences.*
- J. Provision in attractive and appropriate locations for business and manufacturing uses in well-designed buildings and provision of opportunities for employment closer to residence with a reduction in travel time from home to work.*
- K. Consistency with the Memphis 3.0 General Plan.*

General Provisions

Staff agrees the general provisions standards and criteria as set out in Section 4.10.3 of the Unified Development Code are or will be met.

4.10.3 General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations of the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in this Chapter.

- A. *The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.*
- B. *An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.*
- C. *The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.*
- D. *Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.*
- E. *Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.*
- F. *Lots of record are created with the recording of a planned development final plan.*

Residential Criteria

Staff agrees the additional planned residential development criteria as set out in Section 4.10.4 of the Unified Development Code are or will be met.

4.10.4 Planned Residential Developments

In addition to the standards and criteria set forth in Section 4.10.3, planned residential developments shall comply with the standards and criteria set forth below:

- A. **Formal Open Space**
A minimum of 0.6% of the total land area of a planned residential development of 15 acres or more shall be subject to the formal open space requirements of Section 6.2.3. No open area may be delineated or accepted as formal open space under the provisions of this Chapter unless it meets the standards of Chapter 6.2, Open Space.
- B. **Accessibility of Site**
All proposed streets, alleys and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the planned residential development. The location of the entrance points of the streets, alleys and driveways upon existing public roadways shall be subject to the approval of the City or County Division of Public Works.
- C. **Off-Street Parking**
Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through use of trees, shrubs and/or hedges and screening walls.
- D. **Pedestrian Circulation**
The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system in order to provide an appropriate degree of separation of pedestrian and vehicular movement.
- E. **Privacy**
The planned residential development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the planned residential development. Protection and

enhancement of property and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, berms and landscaped barriers. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low rise buildings.

F. Distance Requirements

Where minimum distance requirements are provided between single family residential zoning districts and certain stipulated uses in this Code, the single-family residential areas of planned developments shall be considered zoned residential.

Commercial or Industrial Criteria

Staff agrees the additional planned commercial or industrial development criteria as set out in Section 4.10.5 of the Unified Development Code are or will be met.

4.10.5 Planned Commercial or Industrial Developments

Approval of a planned commercial or industrial development may be issued by the governing bodies for buildings or premises to be used for the retail sale of merchandise and services, parking areas, office buildings, hotels and motels and similar facilities ordinarily accepted as commercial center uses and those industrial uses which can be reasonably be expected to function in a compatible manner with the other permitted uses in the area. In addition to the applicable standards and criteria set forth in Section 4.10.3, planned commercial or industrial developments shall comply with the following standards:

A. Screening

When commercial or industrial structures or uses in a planned commercial or industrial development abut a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies.

B. Display of Merchandise

All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored, within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.

C. Accessibility

The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development.

D. Landscaping

Landscaping shall be required to provide screening of objectionable views of uses and the reduction of noise. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low-rise buildings.

Approval Criteria

Staff agrees the approval criteria as set out in Section 9.6.9 of the Unified Development Code are being met.

9.6.9 Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

- A. *The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.*
- B. *The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.*
- C. *The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.*
- D. *The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.*
- E. *The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- F. *The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.*
- G. *The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.*
- H. *Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.*

Site Description

The subject property is +/-2.46 acres, known as Parcel ID 046001 00001C, and located at 3535 Central Avenue—the southwest corner of Central Avenue and South Highland Avenue. The site is currently zoned Residential Urban – 3 and it is the site a former place of worship that was constructed circa 1957. Located along the Central avenue frontage of the site are overhead power lines. Additionally, the surrounding land uses are a mixture of institutional, single-family, multifamily, and office.

Conclusions

This request is a companion case to RC-2021-01 and Z 2021-05.

The applicant is requesting a mixed use planned development. Area A at the immediate corner of Central Avenue and South Highland Street of the site is proposed to consist of a full-service hotel and restaurant(s) while Area B the remaining area of the site is proposed to include multifamily, offices, and structured parking.

The proposed high-quality mixed use infill development would contribute the revitalization of the University District and further showcase economic development within this anchor neighborhood.

Note as conditioned the use of metal mesh is required to be intertwined with live vegetation to function as a “living wall” or be partially screened with foundation plantings.

The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

The location and arrangement of the structures, parking areas, walks, lighting and other service facilities are compatible with the surrounding land uses.

RECOMMENDATION

Staff recommends approval with outline plan conditions.

Outline Plan Conditions

I. USES PERMITTED

A. AREA A:

1. Hotel, Full-Service: A hotel that features all of the following: meeting rooms, restaurant and bar, pool and/or spa, workout space, room service and concierge service.
 - a. 115 rooms permitted
2. Restaurant and Restaurant with sales of alcoholic beverages, Brew Pub (no accessory drive-through)

B. AREA B:

1. Levels 1-2: Structured Parking
2. Level 3: Office Uses (35,000 square feet permitted)
3. Level 4-6: Multi-Family/Apartment Residential (75 units/90 beds).

C. Accessory Uses shall be permitted in accordance with Chapter 2.9 of the Unified Development Code.

II. BULK REGULATIONS

A. The Building Envelope Standards for the University District Overlay of Sub-Section 8.3.6D through Section 8.3.8 of the Unified Development Code shall apply. Where provisions of these conditions are in conflict with the above referenced ordinance, these provisions apply.

B. Building Setbacks:

1. Front:
 - a. Central Avenue: 7-feet
 - b. Highland Street: 9-feet
 2. Side (East): 35-feet
 3. Rear (South): *None
- *5-foot min. separation is required between detached buildings on separate lots.*

C. Maximum Building Heights:

1. Building A: 7 Stories, 85-feet
2. Building B: 6 Stories, 60-feet

D. All exterior façade materials shall be subject to review and administrative approval by the Division of Planning and Development.

- E. The exterior façade finishing materials on the north and west elevations shall each be limited to a maximum of twenty (25%) percent metal panels, mesh, etc. and the exterior façade finish materials on the south and east elevations shall each be limited to a maximum of thirty (30%) percent metal panels, mesh, etc. The use of any metal panels, mesh, etc. is subject to administrative review and approval by the Division of Planning and Development. Note any use of metal mesh shall be intertwined with live vegetation to function as a “living wall” or partially screened with foundation plantings, subject to administrative review and approval by the Division of Planning and Development.

III. ACCESS, PARKING AND CIRCULATION

- A. Permit one (1) point of vehicular access along Central Avenue in the general location illustrated on the Outline Plan/Final Plat.
- B. Permit one (1) point of vehicular access along Highland Street in the general location illustrated on the Outline Plan/Final Plat.
- C. The design and location of curb cuts to be approved by the City Engineer.
- D. All internal drives shall be private, owned and maintained by a property owner’s association.
- E. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader, etc.
- F. Clear sight triangles: No sight obstruction may be within the area to be kept clear. A sight obstruction is considered any object whose height is greater than three feet (3’) above the grade of the respective center lines of the intersecting street, driveway, or vehicle access easement or tract.
- G. Off Street Parking:
 - 1. A maximum 280 structured and/or surface parking spaces shall be provided as accessory parking as generally illustrated on the Outline Plan/Final Plat.
 - 2. Shared parking shall be allowed for all permitted uses.
 - 3. Off street parking spaces shall conform Chapter 4.5 of the Unified Development Code.
 - 4. Off-street parking shall be accessible for public use.
 - 5. 10 bicycle parking spaces shall be provided in accordance with Sub-Section 4.5.3C of the Unified Development Code. The location shall be illustrated on the Outline Plan/Final Plat.
 - 6. In accordance with Paragraph 8.3.10E(1) of the Unified Development Code, excluding residential buildings, any building, structure, or use is exempt from the off-street parking spaces for motor vehicles and loading requirements of Chapter 4.5 of the Unified Development Code.

7. All residential buildings, structures or uses shall provide a minimum number of off-street, on-site parking spaces equal to 0.5 spaces per bedroom contained in the building, structure or use.

IV. LANDSCAPING AND SCREENING REQUIREMENTS

- A. The landscape and screening specifications outlined in Chapter 4.6 of the Unified Development Code shall apply as modified.
- B. Streetscape Plate S-1 Modified shall be required along Central Avenue and Highland Street.
- C. A 7-foot wide Class III Buffer shall be required where the subject property adjoins adjacent R-6 zoning district designation unless otherwise specified. Refer to Class III Buffer Plate.
- D. The Class III Buffer may be reduced to 5-foot along the north boundary of Lot 8 of Chandler's Central Avenue Subdivision.
- E. A minimum 5-foot wide landscape buffer shall be required where the subject property adjoins adjacent RU-3 zoning district designation. No landscape buffer shall be required where the building extends to the property line. Refer to 5-foot Landscape Buffer Plate.
- F. Dumpsters and similar kinds of trash containers shall be full enclosed by opaque walls, at least eight (8) feet in height with self-closing access doors and shall be constructed of materials and methods similar to that of the building.

V. LIGHTING REQUIREMENTS

All outdoor site lighting shall comply with Chapter 4.7 of the Unified Development Code.

VI. SIGNS

- A. Signs shall be permitted in accordance with University District Overlay standards set forth in Section 8.3.13 of the Unified Development Code, except as modified below.
- B. Roof mounted signs shall be prohibited.
- C. Detached signs shall be limited to non-branded wayfinding, i.e. entry and exit.
- D. In addition to the total allowable signage that is permitted in the University District Overlay per Sub-Section 8.3.13H of the Unified Development Code, a maximum of sixty (60) square feet of attached corporate branded wayfinding signage for the full-service hotel may be permitted.
- E. All signage shall be shown on the final plat and be subject to administrative review and approval by the Division of Planning and Development. Note identifying dimensional signage areas rather than specific branding is acceptable.

VII. DRAINAGE

- A. A Stormwater Detention Waiver is granted for the subject property.
- B. All drainage plans shall be submitted to the City Engineer for review and approval.
- C. The developer is required under 40CFR 122.26(b)(14) and TCA 69-3-101 et. Seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

VIII. MISCELLANEOUS

- A. The Land Use Control Board may modify the building and parking placement, building elements streetscapes and landscaping, site development standards, signs, outdoor site lighting and public improvements if equivalent alternatives are presented. Any adjacent property owner who is dissatisfied with the modifications approve by the Land Use Control Board may within ten (10) days of such action, file a written appeal to the Director of the Office of Planning and Development to have such action reviewed by the Memphis City Council.
- B. All common areas shall be owned and maintained by the property owners association recorded in the Shelby County Register Office.

VIII. PERIOD OF VALIDITY

- A. The Outline Plan/Final Plat period of validity shall be governed by Section 9.6.14 of the Unified Development Code.
- B. Time extensions. Where applicable, an application for a time extension may be filed as a Major Modification subject to Paragraph 9.6.11E(2) of the Unified Development Code. An application for a time extension shall be filed prior to the date of expiration and shall be subject to the provisions of Chapter 9.16 of the Unified Development Code.

DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

City/County Engineer:

1. Standard Subdivision Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

2. City sanitary sewers are available to serve this development.
3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

Roads:

4. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
5. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.
6. The Sidewalk Chart needs to match the site plan and will require pedestrian easements filed for any sidewalk outside the ROW on Highland and Central.

Traffic Control Provisions:

7. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5-foot-wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5-foot clear pedestrian path, an exception may be considered.
8. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
9. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

10. The City Engineer shall approve the design, number and location of curb cuts.
11. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
12. The curb cut on Highland will need to be exit only or constructed as a right in right out due to its proximity to a protected left turn.

Drainage:

13. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
14. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
15. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
16. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
17. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

City/County Fire Division:

- All design and construction shall comply with the 2015 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternate methods of protection are provided.

- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

City Real Estate: No comments received.

City/County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

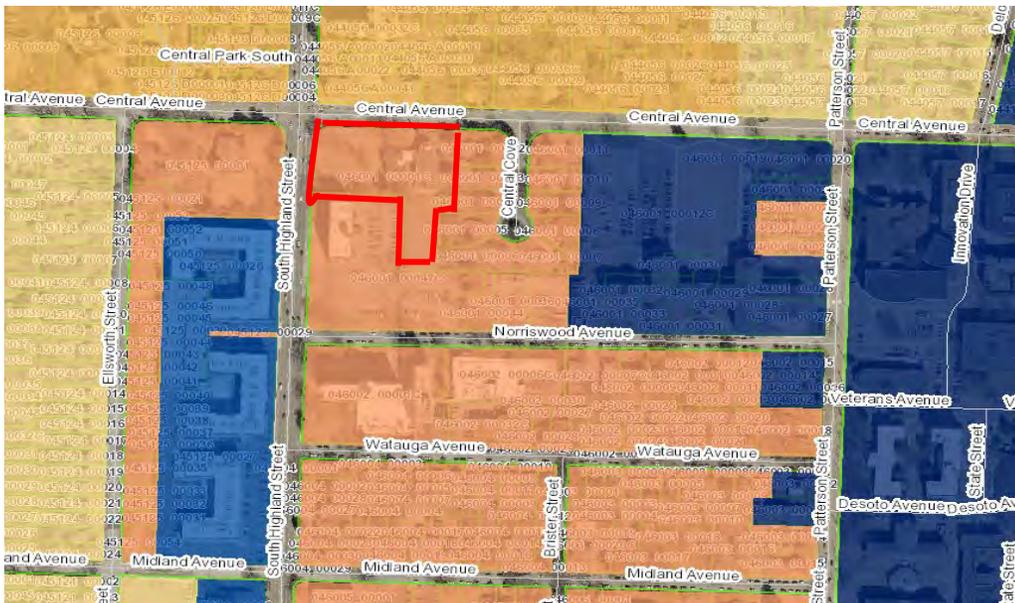
Office of Comprehensive Planning:

Site Address/location: Southeast corner of Central & Highland

Land Use Designation: Sustain Anchor Neighborhood – Urban (AN-U)

Based on the future land use and degree of change map the proposal **IS CONSISTENT** with the Memphis 3.0 Comprehensive Plan.

1. FUTURE LAND USE PLANNING MAP



Red polygon indicates the application site on the Future Land Use Map.

2. Land use description & applicability:

Urban Anchor Neighborhoods are destinations for public and private amenities that are within walking distance to a Citywide Anchor. Most buildings are between three and seven stories with an occasional high rise and are a mixture of attached and unattached. The scale of buildings is largely at the block level with some multiplex footprints, making an Anchor Neighborhood – Urban a diverse living and shopping community surrounding a local anchor. Green space may be interspersed to provide community common space.



“AN-U” Goals/Objectives:

Support continued reinvestment and intensification of areas within walking distance to urban core and medical and educational anchors to support those anchors.

“AN-U” Form & Location Characteristics:

SUSTAIN: Buildings attached, semi-attached, and detached. Primarily block-scale with some house-scale. Residential, commercial, or mix of use that are one to eight stories in height with the potential for an occasional high-rise. Primarily within ¼ mile of a Citywide Anchor.

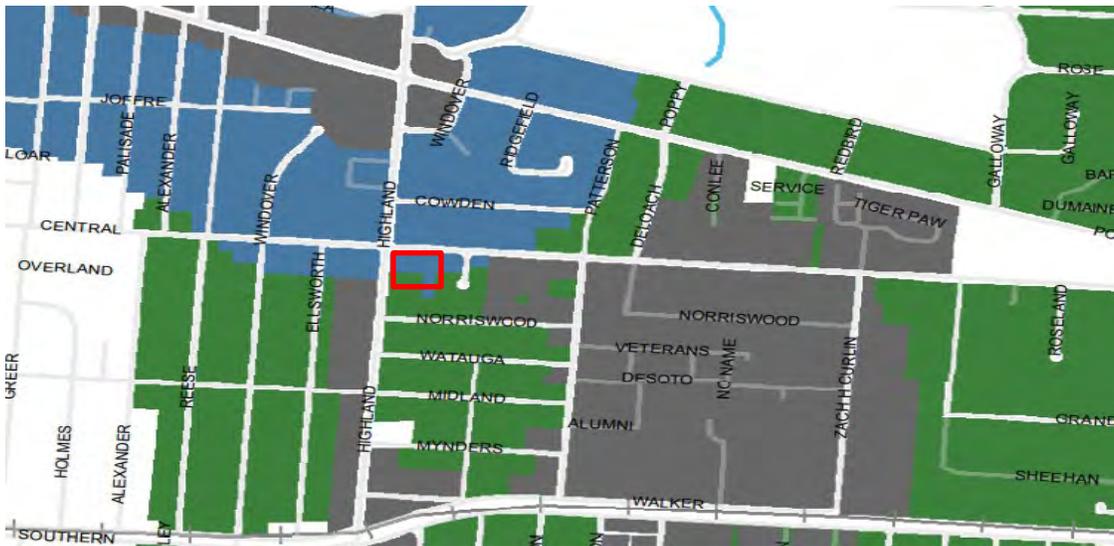
The applicant is seeking approval for a rezoning from RU-3 to CMU-2. The applicant intends to construct a mixed-used development. The development will contain two buildings. The first building will be seven stories in height with hotel rooms and a restaurant. The second building will be six stories in height with structured parking, an office, a pool, and apartments.

The request meets the criteria for height, form, and is adjacent to the University of Memphis, a Citywide Anchor. In addition, the proposed development promotes infill that is contextually compatible and intensifies the area within walking distance to the University of Memphis, a Citywide Anchor. Therefore, the proposal is consistent.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land use: Residential, Commercial, and Campus. The subject site is surrounded by the following zoning districts: R-6, CMU-1, CMP-1. This requested use is compatible with the adjacent land use because *existing land use surrounding the parcels is similar in nature to the requested use.*

4. Degree of Change map



Red polygon denotes the proposed site in a Sustain Degree of Change area.

5. Degree of Change Descriptions

Sustain areas rely on limited public support and private resources to maintain the existing pattern of a place.

Actions for Sustain anchors and anchor neighborhoods are meant to:

- Support existing market conditions
- Support maintenance of public realm and infrastructure
- Facilitate private investment and development that is contextually compatible
- Address building form with infill development

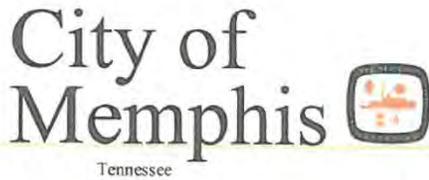
Ways to Sustain:

- Promote infill that is contextually compatible
- Maintain most existing zoning standards (not in conflict with future land use)
- Change street cross-sections to promote multi-modal transportation options
- Enhance connectivity to transit network
- Apply/Uphold historic overlay district overlays

- Address regulatory barriers to quality development
- Reduce number of curb cuts to improve pedestrian and cyclist safety (access management)
- Encourage "curb to door" pedestrian and ADA accommodations
- Construct new streets or pathways to increase connectivity within large sites
- Improve public access points (covered bus stops, benches)
- Improve public services (trash cleanup and collection)
- Control scale and frequency of signage
- Upgrade infrastructure to improve storm water runoff
- Improve existing parks and civic buildings and spaces
- Allow increased density and building height
- Allow a broader mix of uses

Based on the information provided, the proposal ***IS CONSISTENT*** with the Memphis 3.0 Comprehensive Plan.

STORM WATER DETENTION WAIVER



JIM STRICKLAND
Mayor
DIVISION OF ENGINEERING

May 25, 2021

Sent via electronic mail

Casey Wilder, P.E.
Kimley-Horn and Associates, Inc.
6750 Poplar Avenue, Suite 600,
Memphis, TN 38138

**Re: Proposed Mixed-Use Development at 3535 Central Avenue
Request for Storm Water Detention Waiver**

Dear Casey,

Your report dated May 14th (attached, received by Engineering May 14th, 2021), requested a waiver from any potential storm water detention requirements that would be required by the Memphis and Shelby County Storm Water Management Manual (SWMM) as a result of the referenced development.

The SWMM, Volume 1, Section 6.6.6 offers three (3) conditions where storm water detention may be waived. These conditions state:

1. The runoff of a 10-year storm from the proposed projects exceeds the maximum release rates by less than 15%, or 1.5 cubic feet per second (whichever is greater).
2. There is no downstream restriction and the project is located in the lower 25% of the basin above the downstream end of the restriction, as determined by travel times, or where the design engineer can show that detaining the storm water from the project would increase the 10-year peak flows at all downstream restrictions.
3. Detention is deemed impractical by the City and/or County Engineer.

You have based your waiver request on Condition One (1) above. The development is in a non-sensitive basin (Country Club 2-S). The calculations and drawings you provided clearly show the difference between the pre- and post-development peak flow will exceed its maximum release rates by less than 15%. The pre-development and post-development release rates for the 10-yr, 5 min. rainfall intensity were 13.58 cfs and 15.34 cfs, respectively. The peak runoff difference is 1.76 cfs and the % increase in peak discharge flow is 13%. Condition 1 is considered applicable, so therefore the **storm water detention requirement is waived for the subject development.**

If this office may be of further assistance, please contact Corvis Willis at (901) 636-6939 or via email at corvis.willis@memphistn.gov.

Sincerely,

Jack Stevenson, P.E.
Administrator Land Development/Budget
Division of Engineering
City of Memphis

Encl: Storm Water Detention Waiver Request



May 14, 2021

Mr. Jack Stevenson, P.E.
City of Memphis
Division of Engineering
125 North Main Street, Room 644
Memphis, Tennessee 38103

**RE: Proposed Mixed-Use Development
3535 Central Avenue, Memphis, TN**

Dear Mr. Stevenson:

Our Client is proposing a mixed-used development at 3535 Central Avenue near the University of Memphis. The development consists of parking on the first and second levels, a commercial office space and hotel rooms starting on the third level, and apartments as well as more hotel rooms on the remaining levels. The site will comprise 2.46 acres in total. It is understood that stormwater detention will be required by the City of Memphis' Engineering Department for this site development. However, after reviewing the site and performing preliminary calculations, we would like to request a relief from providing detention based on the following items.

- The site is relatively small and is currently within the University District Overlay, which promotes density, new construction to be located near the street, and sizable streetscapes. The size of the property and the density of the development make it necessary for the building and parking garage footprint to comprise most of the site and for any detention provided to then be located underground. As you can see on the attached site plan, any underground detention would be located beneath proposed improvements, inherently increasing maintenance difficulty.
- The site currently slopes from southeast to northwest near the Central Avenue-Highland Street intersection, making the northwest corner of the development the obvious choice for detention infrastructure. Because of Unified Development Code requirements, buildings have been placed near the street and the streetscapes are wide to accommodate both softscape and a pedestrian thoroughfare making the northwest corner unfeasible for detention infrastructure.
- The property is currently developed as a place of worship and has approximately 70% impervious coverage. The proposed development will increase the impervious



coverage by approximately 28%. Given the relatively small footprint of the proposed development, the overall site runoff increase for the 10-year storm event is less than a 15% increase in the peak discharge flow rate.

Given that the runoff of the 10-year storm from the proposed project exceeds the predeveloped release rate by less than 15%, thereby meeting a condition for granting of a waiver for detention requirements per the Memphis and Shelby County Storm Water Management Manual, we appreciate your consideration to this request.

If you have any questions or need any additional information, please do not hesitate to contact me at (901) 443-6565 or Casey.Wilder@kimley-horn.com.

Sincerely,

A handwritten signature in blue ink that reads "Casey Wilder".

Casey Wilder, P.E.
KIMLEY-HORN AND ASSOCIATES, INC.

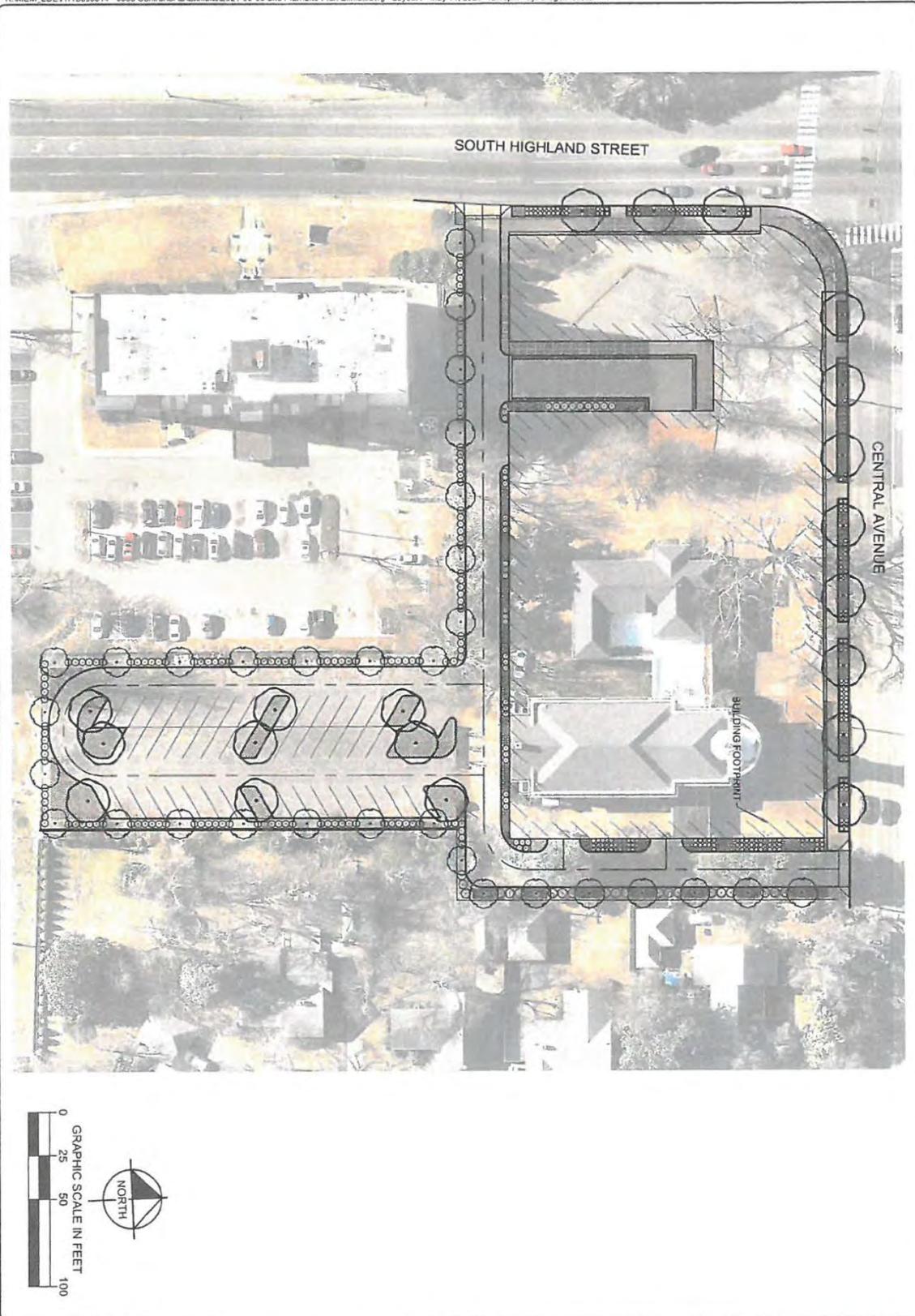
Enclosures:

1. Site Plan
2. Detention Relief Calculations



FIGURE 1: EXISTING AERIAL

K:\MEM_LDEV\115033014 - 3535 Central\CAD\Exhibits\2021-05-06 Site Plan\Site Plan Exhibit.dwg Layout1 May 14, 2021 12:40pm by: Diego Acosta



SHEET
EXHIBIT B

DBP NO. 115033014
SCALE 1" = 50'
DATE 05/14/2021

PROJECT:
MIXED-USE DEVELOPMENT

TITLE:
PROPOSED SITE PLAN

Kimley»Horn
6750 POPLAR AVENUE, SUITE 600
MEMPHIS, TN 38138
PHONE: (901) 374-9100 | www.kimley-horn.com



DETENTION RELIEF CALCULATIONS

PROJECT NAME: **Proposed Mixed-Use Development**

5/14/2021

LOCATION: **3535 Central Avenue, Memphis, TN**

PREPARED FOR: **City of Memphis**

Project Constants		
Project Site Area	2.46	ac
Intensity (10 year, 5 min duration)	7.36	in/hr
Runoff Coefficients	0.90	impervious
	0.40	pervious

Pre Development		
Pervious Area	0.74	ac
Impervious Area	1.72	ac
Peak Runoff Q_{10}	13.58	cfs

Post Development		
Pervious Area	0.26	ac
Impervious Area	2.20	ac
Peak Runoff Q_{10}	15.34	cfs

Peak Runoff Difference	1.76	cfs
% Increase in Peak Discharge Flow	13.0%	

APPLICATION



Memphis and Shelby County
Office of Planning and Development
CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

**APPLICATION FOR PLANNED DEVELOPMENT APPROVAL
(OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)**

Date: May 6, 2021

Case #: _____

PLEASE TYPE OR PRINT

Name of Development: 35 Central

Property Owner of Record: Bobalu, LLC Phone #: (901)529-0844

Mailing Address: 322 S. Hollywood St. City/State: Memphis/TN Zip 38117

Property Owner E-Mail Address: bberry@worlds-away.com

Applicant: Bob Berry Phone # (901)529-0844

Mailing Address: 322 S. Hollywood St. City/State: Memphis/TN Zip 38117

Applicant E- Mail Address: bberry@worlds-away.com

Representative: Dedrick Brittenum Phone #: (901)552-5994

Mailing Address: 3385 Airways Blvd, Unit 229 City/State: Memphis/TN Zip 38116

Representative E-Mail Address: db@brittenumlaw.com

Engineer/Surveyor: Milestone Land Surveying, Inc (Ted Storch, RLS) Phone # (901)867-8671

Mailing Address: 2880 Cobb Rd. City/State: Lakeland/TN Zip 38002

Engineer/Surveyor E-Mail Address: ted.milestonels@gmail.com

Street Address Location: 3535 Central Ave.

Distance to nearest intersecting street: Subject property is located at the south east corner of Central Ave. and S. Highland St.

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>2.460</u>	_____	_____
Existing Zoning:	<u>CMU-2</u>	_____	_____
Existing Use of Property	<u>Religious (Exempt)</u>	_____	_____
Requested Use of Property	<u>Mixed-Use</u>	_____	_____

Medical Overlay District: Per Section 8.2.2D of the UDC, no Planned Developments are permitted in the Medical Overlay District.

Unincorporated Areas: For residential projects in unincorporated Shelby County, please provide the following information:

Number of Residential Units: N/A Bedrooms: N/A

Expected Appraised Value per Unit: N/A or Total Project: N/A

Amendment(s): Is the applicant applying for an amendment to an existing Planned Development?
Yes _____ No NO

The following modifications to existing planned developments are considered amendments: 1) a change to the permitted uses in a planned development, except in situations where a use of a higher classification is proposed to be changed to a use of a lower classification; 2) a modification to conditions that phases the uses, and 3) a conversion of public streets. See Section 9.6.11E(1) of the UDC for further details.

4.10.3 Planned Development General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations to the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in section 4.10.3:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

Correct. The project complies with the Memphis 3.0: "Building up, not out, means reinvesting in existing places. ...underutilized land will need to be repurposed for higher and better uses that improve the quality of life in Memphis."

- An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.

The subject site is within an area that has well developed infrastructure sufficient to accommodate these needs and on-site connection will be provided with the completion of the development.

- The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses... (see UDC sub-section 4.10.3C)

Outline plan considers pedestrian/ vehicle circulation, lighting respects single family residential uses at the eastern boundary, high rise residential on the south and southwest as well as the townhouse residential across Highland Street to the north west. Site access from Highland Street and Central Avenue ensures surrounding uses compatibility. +

- Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.

The few proposed modifications are necessities for the success of the proposed use and the outline plan design considers the determined effort to be consistent with the public interest.

- Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.

Agreed

- Lots of records are created with the recording of a planned development final plan.

Agreed

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

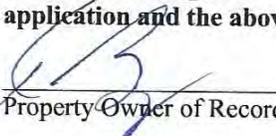
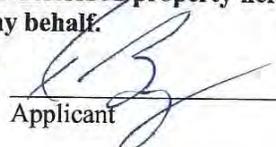
Pre-Application Conference held on: March 22, 2021 with Josh Whitehead

NEIGHBORHOOD MEETING – At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2).

Neighborhood Meeting Requirement Met: Yes or Not Yet (Circle one)
(If yes, documentation must be included with application materials)

SIGN POSTING – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

I (we) hereby make application for the Planned Development described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

 4/21/21  4/21/21
Property Owner of Record Date Applicant Date

**GUIDE FOR SUBMITTING
PLANNED DEVELOPMENT APPLICATION
(OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)**

- A. **THE APPLICATION** - Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the Outline and/or Site/Concept Plan, shall be provided on sheets of 8.5"x11" in size. The application with original signatures shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:
 - 1) This application, 8.5"x11" Outline and/or Site/Concept Plan, Legal Description, Vicinity Map, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" Outline and/or Site/Concept Plan (folded), copy of Deed(s).
 - 2) A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".
- B. **LETTER OF INTENT** - The letter shall include the following:
 - a) A brief narrative statement generally describing the nature, location and extent of the development and the market it is intended to serve.
 - b) A list of any professional consultants associated with the proposed development.
 - c) A written statement generally describing the relationship of the proposed development to the current policies and plans of the City and County. The statement shall include how the proposed

LETTER OF INTENT

Brittenum

Law pllc

ATTORNEY AT LAW
Airways Professional Center – Aerotropolis
3385 Airways Boulevard, Suite 229
Memphis, Tennessee 38116 USA
Telephone 901.347.3978
Facsimile 901.800.1927
db@brittenumlaw.com

3 June 2021

Josh Whitehead, AICP
Planning Director / Administrator
Memphis & Shelby County Office of Planning and Development
City Hall
125 North Main Street, Suite 468
Memphis, TN 38103

RE: 3535 Central Avenue Project
Application for Residential Corridor Revocation
Application for Rezoning Approval (RU-3 < CMU-2)
Application for Planned Development Approval

Dear Administrator Whitehead:

I represent Bobalu, LLC regarding the above referenced applications for a site on the southeast corner of the intersection of Central Avenue and Highland Street. The subject property is currently zoned RU-3 with the University District Overlay. The site is approximately 2.460 acres. The current use is institutional for the Third Church of Christ, Scientist which has assembled there for several decades. Bobalu LLC has owned the property since September 2020. You will find enclosed the three applications named above with supporting documents for staff review and recommendation, LUCB consideration and recommendation and City Council action. The applications are filed to be heard by the LUCB on Thursday, 8 July 2021.

The applicant is seeking approval for a concept to redevelop the above tract as a mixed-use hotel destination complex. Considering the proximity to the University of Memphis, the site is ideal for in demand use as hotel, offices and apartments in this University District neighborhood. The development consists of a seven-story hotel showing 115 rooms with restaurant / bar. The design has private offices (34,000 sq permitted) with a courtyard on level 3. The pool terrace is on Level 4. Levels 4-6 have 75 apartment units to accommodate 90 beds. Great attention is given to dedicated parking located on levels 1 and 2 of the structure and ground parking on the south of the site. The off-street parking will be accessible to the public. There are two access points, one located on Central Avenue and one on Highland Street as approved by the Memphis City Engineer.

The 35 Central development considers the Memphis 3.0 Comprehensive Plan for the University District area. Two of the district priorities are addressed by the planned re-use of the subject site and the ongoing efforts to revitalize the existing commercial uses along Highland Street. The mixed-use aspect of the project will contribute to the goal of a walkable environment within the existing multifamily neighborhood with the area commercial center on Highland Street just to the south. The hotel complex is in an anchor designation area and is planned to attract people from the neighborhood and all over Memphis as a center of high activity.

The existing uses in the vicinity are comprised of single-family residential east of the site, multifamily to the south along both sides of Highland Street, north across Central Avenue and townhouse use to the northwest. Situated between multifamily towers immediately to the north and south, the hotel provides a nice step-down appeal for this corner. The hotel building also recognizes contemporary urban design principals to achieve a sense of place. Overall, the University District planning standards are incorporated with Memphis 3.0 principles to achieve a development that conforms with the surrounding neighborhood. Upon completion, the 35 Central Hotel will become the talk of the nation as the place to stay in Memphis for top tier overnight lodging.

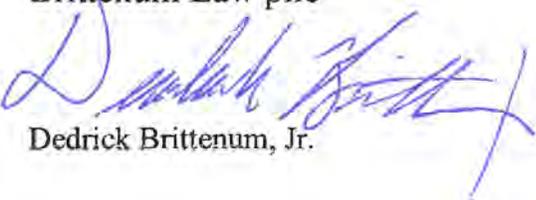
The professional consultants associated with the development are:

Fleming Architects, Memphis
Kimley-Horn, Memphis
Integrated Land Solutions, Collierville
Dr. Martin Lipinski, Memphis
Younger Associates, Memphis

The planning objective of the applicant provides world class accommodations in an area dedicated to instruction, learning, arts and culture for Memphis. The development blends with and enhances the mix of uses for people living in the area as well as those visitors drawn to the prime amenities of the University District. The applicant reviewed the various planning studies for the area in developing the concept for the hotel development. Finally, analysis shows a onetime construction economic impact over \$104 million, the annual operations economic impact is over \$14 million and the annual direct/ indirect jobs number is 234.

Thank you for the time to review the application and setting it for hearing before the LUCB. On behalf of the applicant and the entire development team, support for approval is requested for this application. Should you have questions or comments, please advise. I remain,

Very truly yours,
Brittenum Law pllc



Dedrick Brittenum, Jr.

enclosure

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Henry V. Smith, being duly sworn, depose and say that at _____ am/pm on the 21 day of June, 2021, I posted 2 Public Notice Sign(s) pertaining to Case No. _____ at Central & Highland, providing notice of a Public Hearing before the 8 Land Use Control Board, _____ Memphis City Council, _____ Shelby County Board of Commissioners for consideration of a proposed Land Use Action (_____ Planned Development, _____ Special Use Permit, _____ Zoning District Map Amendment, _____ Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

X H. Smith
Owner, Applicant or Representative

6-21-21
Date

Subscribed and sworn to before me this 21 day of June, 2021.

Andria Miller
Notary Public

My commission expires: 10/5/2022



LETTERS RECEIVED

One letter of concern and two letters of opposition were received at the time of completion of this report and have subsequently been attached.

Public Hearing, July 8, 2021, Case #s PD 21-20, RC 21-1, and Z 21-5 (formerly Z 21-1); Location Southeast corner of Central Avenue & South Highland Street

Cindy Scott <cindyscott5130@gmail.com>

Wed 6/30/2021 5:57 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Penzes,

I am writing to you regarding the above referenced case to voice a few concerns. I am a resident of The Laurels Condominiums at 3520 Central Avenue, located directly across the street from the property in the above case. I do think based on the information that I read in the *Memphis Business Journal* that the proposed development will bring improvements to the site based on the condition of the existing church building currently occupying the site.

My main concerns about the proposed development are regarding the extra traffic that the development will bring to two already very busy, main city streets and the proposed amount of on-site parking currently proposed.

Regarding the traffic situation, The Laurels has one entrance that allows for both ingress and egress from our building and one exit for egress only. The one exit only allowing egress is just feet away from the intersection of Central and Highland, so no left turns are allowed from that drive; all traffic leaving from our building and entering Central from that exit must turn right to avoid causing wrecks and trying to cut across that traffic so close to the intersection with a traffic signal. The other entrance allowing both ingress and egress is on the eastern edge of our property and does allow for both right and left turns onto Central Ave. Currently, a large apartment building next door to The Laurels known as The Monarch (formerly Luther Towers) has been undergoing extensive renovation for the past year. They formerly used an entrance/exit on Cowden Avenue, but have been utilizing an entrance/exit on Central just to the east and feet away from our entrance/exit from The Laurel's east driveway that allows ingress and egress. This change in The Monarch's entrance/exit already presents some safety challenges in The Laurel's residents exiting our eastern entrance due to the fact cars exiting simultaneously from both entry driveways only feet apart and could easily crash if the utmost caution is not exercised. One of the proposed driveway/entrances into the proposed development across the street will be almost directly across the street from both The Laurels' and The Monarch's entrances just described. The proposed entrance to the new development shows to allow 2-way lanes, so that means cars trying to turn into the new development will be using the turn lane on Central creating a new hazard and issue for The Laurels' and The Monarch's residents to be able to turn left/east onto Central. In addition to this, all 3 entrances are only feet away from the intersection of Central and Highland, which only concentrates the traffic in this area and around these entrances only further. The Central and Highland intersection is already a high traffic accident intersection with frequent car crashes. The added traffic from the new development right at this intersection is only going to add more "fuel to the fire" and traffic headaches. There is also a proposed entrance to the new development off of South Highland Street that shows to be a 2-way private drive that is also in very close proximity to the intersection. That will also contribute to more traffic right at the intersection that is already extremely high volume, particularly on South Highland.

I don't know if any thought has been given to the traffic problem, but it seems to me that the limitation of "right turn only" for traffic exiting the new development onto both Central and South Highland should be the rule to avoid some of the issues/car crashes of cars trying to exit those drives and turn out west on Central and south on South Highland. There will already exist a turning issue for us at The Laurel's and The Monarch for cars going West on Central and entering the turn lane to go into the new development, limiting our ability to exit our drives and turn left to go east on Central.

As far as my other concern, when I do the math looking at the parking the development is proposing for the hotel, office space, and apartments, it does not seem to me there is adequate parking for all of these entities, even with the proposed 2-story parking garage and flat lot parking in the back of the development. Many apartment residents will have 2 cars per unit, the hotel will require parking for both employees and guests, and the office tenants will need parking. I don't see how the proposed parking is going to accommodate that amount of required parking given the number of hotel rooms, apartment units and office tenants. Additionally, if the hotel is hoping to host events and conferences with other local attendees or attendees staying at other hotels, I don't see how all of this can be accommodated with the parking proposed, so it begs the question, where are all these people going to park?

I don't know if any of these concerns have been raised or addressed, but I am fearful it could be a situation where this is not addressed on the front end of planning and just becomes a nightmare reality after the fact when the development is finished and the reality of all of this traffic and parking problem has to be addressed and there is not really any solution.

I apologize for the lengthy letter, but I wanted to voice my concerns over what I see as "negative" issues that really should have critical thought given to them prior to the development being built and not afterwards, when the problem will already be created and then "band aid" solutions that will be totally inadequate will be the only manner available to try to remedy the problems.

Best regards,
Lucinda Scott
The Laurels Condominiums
3520 Central Ave Apt 403
Memphis, TN 38111

Mr. Jeffrey Penzes
Division of Planning and Development
125 N. Main St., Suite 468
Memphis, TN 38103
Email: Jeffrey.penzes@memphistn.gov

Mr. Dedrick Brittenum, Esq.
Brittenum Law, pllc
3385 Airways Blvd., Suite 229
Memphis, TN 38116
Email: db@brittenumlaw.com

Correspondence Sent by U.S. Mail and Email

July 1, 2021

Re: 35 Central Development Comments

Gentlemen:

This letter is written on behalf of the homeowners of Central Cove. As long time homeowners, we have a vested interest in our neighborhood and the surrounding area. We had been eagerly anticipating the redevelopment of the property on the southeast corner of Central and Highland (the former home of the Third Church of Christ, Scientist). We expected that any new development would be an enhanced improvement to the area and would abide by the requirements of the University Development Overlay and the Central Avenue Residential Corridor. We are concerned that the proposed rezoning of the property to CMU-2 will have a deleterious effect on our standard of living, our property values, and the surrounding neighborhoods.

The University Overlay afforded protections to the residential areas while, at the same time, encouraging economic growth in the area. The proposed developed appears to ignore the height and setback requirements and buffer areas of the Overlay, as well as, the restriction of the Central Avenue Residential Corridor.

The drawings appear to have a 2 lane road/driveway directly behind the Central Cove property lines. This driveway is the primary access to the Level 2 parking structure which will necessitate a high density of traffic. The road is in very close proximity to the access gates of The Laurel and Central Cove's only road access to Central and will be mere inches from the driveway of a Central Avenue home. We believe this will cause increased traffic congestion to an area that already experiences a high accident incidence. The almost regularly occurring destruction of the Church's brick wall at the Highland Central intersection is evidence of the ongoing problem. In addition, we believe the MLGW reports of power outages due to accidents will support this contention.

The plans appear to only include a six foot fence between the Cove properties which will not serve as an adequate buffer for noise and pollution abatement. In addition, the building structure will be much closer to Central Cove than the existing footprint of the Church. The plans do not indicate where the power generators or major trash collections for the development will be located. The plan indicates only a small trash area at the north end of the parking lot. Surely this is not adequate for a 115 hotel

rooms, 75 apartments and up to 34,000 square feet of office space. We are very concerned that the placement of these required entities will significantly impact our area.

In addition, the hotel, restaurant, bar, office space and apartments will generate an incredible amount of ongoing traffic and parking issues and create both noise and pollution issues. Mr. Brittenum's letter attached to the application refers to the available off-street parking. There is no off-street parking on this area of Highland or on Central Avenue or on Central Cove. For these reasons, Central Cove will require a much higher and substantial fence to protect our residential area. In addition, we want assurance that the outdoor lighting will focus only on the development area and will include shielding from our homes and back yards.

As homeowners, we support the economic development of the area, but not to the detriment of the current neighborhoods. Some of our homeowners are currently undergoing extensive home improvement projects and more are planned. We want to support responsible development, but not to the detriment of our neighborhood.

Thank you for your consideration of these objections. We will have representatives available to speak at the July 8, 2021, meeting. Please also see the attached document that outlines in-depth our neighborhood concerns.

Sincerely,

This document contains the electronic signatures of the homeowners named below. Original signatures will be provided upon request.

Elizabeth and James Madden
Frances M. Riley
Mary and Kenneth Read
Leslie Luebbers and Fredric Koeppel
Clie and Chris Heehs
Louisa Kramer and Aaron Munn
Tiffany and Thomas Greer
Pam Gold and Stephen Smith

35 Central Project General Neighborhood Concerns

1. Rezoning of the property to CMU-2.

The 35 Central Project is applying for a complete rezoning of the property. It does not appear that a PUD (Planned Unit Development) application which could include more restrictive limits on the property use was filed. The rezoning to this designation (CMU-2) would allow several alternative uses which would be detrimental to the neighborhood. If for any reason, this development was not successful or if another use were deemed more profitable, the following uses could be permitted with this zoning designation: (for example) retail sales, restaurants, convenience stores (with gas pumps). The rezoning would not just be for this hotel but the Commercial Mixed Use-2 would remain for future owners and developers.

2. The University Overlay is overruled by this development.

The University Overlay was a highly negotiated plan created by the cooperation of the UNDC, the Office of Planning and Development, architects, and neighborhood organizations. It was developed with citizen participation input and public hearings and was adopted by Memphis City Council for this area. It was designed to encourage appropriate economic development while protecting the integrity of the residential neighborhoods. The University Overlay included height restrictions and setback requirements to protect the neighborhoods. The University Overlay limits the height of this property to 55 feet (4 stories). The 35 Central Hotel proposes a 7-story hotel.

3. Revocation of the Central Avenue Residential Corridor.

The Central Ave Residential Corridor is an additional overlay protection that prohibits approval of nonresidential development within 200 feet on either side of a designated roadway. The designation is intended to provide protection against "encroachment" of non-residential uses. The designated Central Avenue Residential Corridor includes the area from: Lamar Avenue to the L&N Railroad; IC Railroad to Ellsworth; and Highland to Goodlett St. The 35 Central Development is applying for Revocation of the neighborhood protection.

4. Noise Issues.

The 35 Central Hotel proposes a rooftop restaurant/bar with no guarantees that it will not include outdoor seating areas or entertainment. This is an additional encroachment on the quiet of the surrounding neighborhoods.

5. Traffic Concerns

The 35 Central design shows the primary access to the "Level 2 Parking Structure" to be from a 2-lane driveway off Central Ave. The driveway will be very close to the driveway access from The Laurels (on the opposite side of Central Ave) and the only street access for Central Cove. This coupled with the very dense traffic for the University will create a dangerous traffic situation.

Opposition to planned development at Highland and Central

Charles Pazar <pazar@aol.com>

Thu 7/1/2021 5:04 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

Cc: mayoroffice@communications.memphistn.gov <mayoroffice@communications.memphistn.gov>; Morgan, Worth <worth.morgan@memphistn.gov>; Whitehead, Josh <Josh.Whitehead@memphistn.gov>; Memphis Mayor <Mayor@memphistn.gov>

 1 attachments (15 KB)

Hotel Opp.docx;

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Penzes, Attached is our opposition to the proposed development at the corner of Highland and Central. Please note that we oppose this matter being placed on the Consent Agenda at the meeting on July 8, 2021.

Thank you.

Charles and Janice Pazar

CHARLES E. PAZAR
JANICE POND PAZAR
267 WINDOVER GROVE DRIVE
MEMPHIS, TENNESSEE 38111
Pazar@AOL.Com
(901) 692-7261

July 1, 2021

Mr. Jeffrey Penzes
Division of Planning and Development
125 N. Main St., Suite 468
Memphis, TN 38103
Email: Jeffrey.Penzes@memphistn.gov.

Re: PD 21-20, RC21-1, and Z 21-5

By e-mail and U.S. mail to Mr. Penzes; e-mail to all others.

Gentlemen:

We are home owners at 267 Windover Grove Drive, a few hundred yards north of the proposed development at Central and Highland. Our home is located directly on Highland. We will bear the brunt of the effects of this proposed development. We are very concerned about the effects of this proposed development on our quality of life, property values, and safety.

First, we note that the developer is seeking a complete rezoning of this property. This is a brazen departure from both the University Overlay and the Central Avenue Residential Corridor Plan. While some form of development is probably better for the neighborhood than the semi-derelict church occupying the property now, this proposal is not the highest and best use for this property.

The specifics of the departure from the University Overlay and the Central Avenue Residential Corridor Plan are troubling. The proposed development calls for a seven-story hotel while the University Overlay calls for a maximum height of 55 feet, or four stories. Further, the setback requirements of the University Overlay are to be cast aside, exacerbating traffic congestion and increasing the difficulty of navigating an already congested and dangerous intersection. There are frequent traffic light violations at Highland and Central, with accidents and near misses an almost daily occurrence.

We understand that if the zoning changes are approved by the Division of Planning and Development, the Land Use Board, and City Council, the property will be zoned for commercial use even if the hotel and apartments are not constructed. This could result in the construction of retail stores, convenience stores with gasoline pumps, or other commercial enterprises not consistent with the residential nature of the neighborhood, as protected by the University Overlay and the Central Avenue Residential Corridor.

Second, the proposed development will greatly increase ambient noise in the area. Specifically, the 35 Central Hotel has plans for a rooftop restaurant/bar located at the corner of Highland and Central, with

no guarantees that it will not include outdoor seating areas or entertainment. Noise, both ambient and amplified, would be directed towards us. We are very concerned about the amplification of speakers that will spoil the quiet of our neighborhood. A rooftop restaurant/bar will almost certainly generate ambient restaurant noise, which will be loud enough to be heard in our neighborhood. Will the restaurant/bar have amps and speakers for bands? Will there be a curfew? These are very real concerns.

Third, and closely related to the other concerns we have about this development, is the degradation of the residential quality of our neighborhood by increased traffic and noise. Windover Grove is a 34-unit community of duplexes with an active Homeowners Association. An architectural review committee reviews any proposed changes to the exterior of properties in the community. Our homeowners take great pride in their homes. This is a community of permanent home owners who have purposefully and carefully chosen to live here. Safety is such a concern that we have helped pay for the installation of two Sky Cop monitors on Highland to better protect our community. This proposed development is not only detrimental to the quality of life, safety and property values of our neighborhood, but also is considerably out of alignment with the neighborhood-supported Zoning Overlay and Corridor Plan.

Thank you for considering our objections.

Sincerely,

Charles E. Pazar

Janice Pond Pazar

Cc: Hon. Jim Strickland

Hon. Worth Morgan

Hon. Members of the Land Use Board, via Josh Whitehead

Concerns about the 35Central Project

Sheri Bancroft <sheri@aglease.com>

Tue 7/6/2021 11:50 AM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Penzes,

I am very concerned about the 35Central Project at the corner of Highland and Central Avenue. Currently, there is a hotel 2 blocks from where this one is proposed, so there is no need for an additional one. Also, it is not essential to the vitality of the neighborhood. Other concerns include the following:

- Rezoning of the property is not beneficial to our neighborhood and will have a negative impact on property values and our standard of living.
- The proposed hotel breaks the University Overlay's height restrictions of 4 stories with 7.
- The 35 Central Development is applying for Revocation of the Central Avenue Residential Corridor, which protects neighborhoods from encroachment of non-residential uses.

In addition to these concerns are also noise issues in a quiet neighborhood and an increase in traffic, which will create a dangerous situation in a residential neighborhood.

I do not think this project is the right fit for our quiet, tree-lined neighborhood but would be a good fit for downtown or midtown by giving hotel guests easy access, including walking distance, to an abundance of restaurants, shopping, and entertainment options, and in turn giving hotels the consistent, ongoing business they need to thrive.

I am in support of economic development, but this project will disrupt our neighborhood's character and charm.

Sheri Bancroft, Vice-President

BANCROFT LEASING

901-761-2156 | 800-414-1308

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LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, July 8, 2021**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	PD 2021-20
DEVELOPMENT:	35 Central Planned Development
LOCATION:	3535 Central Avenue (southeast corner of Central and Highland)
COUNCIL DISTRICT(S):	District 5 and Super District 9 – Positions 1, 2, and 3
OWNER/APPLICANT:	Bobalu, LLC – Bob Berry
REPRESENTATIVE:	Dedrick Brittenum of Brittenum Law, PLLC
REQUEST:	Mixed use planned development
EXISTING ZONING:	Residential Urban – 3 (RU-3), University District Overlay, and Residential Corridor Overlay
AREA:	+/-2.46 acres

The following spoke in support of the application: Dedrick Brittenum and Richard Wiggs

The following spoke in opposition the application: Jenny Madden

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with conditions.

The motion passed by a unanimous vote of 8-0 on the regular agenda.

Respectfully,



Jeffrey Penzes
Principal Planner
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

**PD 2021-20
CONDITIONS**

Outline Plan Conditions

I. USES PERMITTED

A. AREA A:

1. Hotel, Full-Service: A hotel that features all of the following: meeting rooms, restaurant and bar, pool and/or spa, workout space, room service and concierge service.
 - a. 115 rooms permitted
2. Restaurant and Restaurant with sales of alcoholic beverages, Brew Pub (no accessory drive-through)

B. AREA B:

1. Levels 1-2: Structured Parking
2. Level 3: Office Uses (35,000 square feet permitted)
3. Level 4-6: Multi-Family/Apartment Residential (75 units/90 beds).

- C. Accessory Uses shall be permitted in accordance with Chapter 2.9 of the Unified Development Code.

II. BULK REGULATIONS

- A. The Building Envelope Standards for the University District Overlay of Sub-Section 8.3.6D through Section 8.3.8 of the Unified Development Code shall apply. Where provisions of these conditions are in conflict with the above referenced ordinance, these provisions apply.

B. Building Setbacks:

1. Front:
 - a. Central Avenue: 7-feet
 - b. Highland Street: 9-feet
 2. Side (East): 35-feet
 3. Rear (South): *None
- *5-foot min. separation is required between detached buildings on separate lots.*

C. Maximum Building Heights:

1. Building A: 7 Stories, 85-feet
2. Building B: 6 Stories, 60-feet

- D. All exterior façade materials shall be subject to review and administrative approval by the Division of Planning and Development.

- E. The exterior façade finishing materials on the north and west elevations shall each be limited to a maximum of twenty (25%) percent metal panels, mesh, etc. and the exterior façade finish materials on the south and east elevations shall each be limited to a maximum of thirty (30%) percent metal panels, mesh, etc. The use of any metal panels, mesh, etc. is subject to

administrative review and approval by the Division of Planning and Development. Note any use of metal mesh shall be intertwined with live vegetation to function as a “living wall” or partially screened with foundation plantings, subject to administrative review and approval by the Division of Planning and Development.

III. ACCESS, PARKING AND CIRCULATION

- A. Permit one (1) point of vehicular access along Central Avenue in the general location illustrated on the Outline Plan/Final Plat.
- B. Permit one (1) point of vehicular access along Highland Street in the general location illustrated on the Outline Plan/Final Plat.
- C. The design and location of curb cuts to be approved by the City Engineer.
- D. All internal drives shall be private, owned and maintained by a property owner’s association.
- E. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader, etc.
- F. Clear sight triangles: No sight obstruction may be within the area to be kept clear. A sight obstruction is considered any object whose height is greater than three feet (3’) above the grade of the respective center lines of the intersecting street, driveway, or vehicle access easement or tract.
- G. Off Street Parking:
 - 1. A maximum 280 structured and/or surface parking spaces shall be provided as accessory parking as generally illustrated on the Outline Plan/Final Plat.
 - 2. Shared parking shall be allowed for all permitted uses.
 - 3. Off street parking spaces shall conform Chapter 4.5 of the Unified Development Code.
 - 4. Off-street parking shall be accessible for public use.
 - 5. 10 bicycle parking spaces shall be provided in accordance with Sub-Section 4.5.3C of the Unified Development Code. The location shall be illustrated on the Outline Plan/Final Plat.
 - 6. In accordance with Paragraph 8.3.10E(1) of the Unified Development Code, excluding residential buildings, any building, structure, or use is exempt from the off-street parking spaces for motor vehicles and loading requirements of Chapter 4.5 of the Unified Development Code.

7. All residential buildings, structures or uses shall provide a minimum number of off-street, on-site parking spaces equal to 0.5 spaces per bedroom contained in the building, structure or use.

IV. LANDSCAPING AND SCREENING REQUIREMENTS

- A. The landscape and screening specifications outlined in Chapter 4.6 of the Unified Development Code shall apply as modified.
- B. Streetscape Plate S-1 Modified shall be required along Central Avenue and Highland Street.
- C. A 7-foot wide Class III Buffer shall be required where the subject property adjoins adjacent R-6 zoning district designation unless otherwise specified. Refer to Class III Buffer Plate.
- D. The Class III Buffer may be reduced to 5-foot along the north boundary of Lot 8 of Chandler's Central Avenue Subdivision.
- E. A minimum 5-foot wide landscape buffer shall be required where the subject property adjoins adjacent RU-3 zoning district designation. No landscape buffer shall be required where the building extends to the property line. Refer to 5-foot Landscape Buffer Plate.
- F. Dumpsters and similar kinds of trash containers shall be full enclosed by opaque walls, at least eight (8) feet in height with self-closing access doors and shall be constructed of materials and methods similar to that of the building.

V. LIGHTING REQUIREMENTS

All outdoor site lighting shall comply with Chapter 4.7 of the Unified Development Code.

VI. SIGNS

- A. Signs shall be permitted in accordance with University District Overlay standards set forth in Section 8.3.13 of the Unified Development Code, except as modified below.
- B. Roof mounted signs shall be prohibited.
- C. Detached signs shall be limited to non-branded wayfinding, i.e. entry and exit.
- D. In addition to the total allowable signage that is permitted in the University District Overlay per Sub-Section 8.3.13H of the Unified Development Code, a maximum of sixty (60) square feet of attached corporate branded wayfinding signage for the full-service hotel may be permitted.
- E. All signage shall be shown on the final plat and be subject to administrative review and approval by the Division of Planning and Development. Note identifying dimensional signage areas rather than specific branding is acceptable.

VII. DRAINAGE

- A. A Stormwater Detention Waiver is granted for the subject property.
- B. All drainage plans shall be submitted to the City Engineer for review and approval.
- C. The developer is required under 40CFR 122.26(b)(14) and TCA 69-3-101 et. Seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

VIII. MISCELLANEOUS

- A. The Land Use Control Board may modify the building and parking placement, building elements streetscapes and landscaping, site development standards, signs, outdoor site lighting and public improvements if equivalent alternatives are presented. Any adjacent property owner who is dissatisfied with the modifications approve by the Land Use Control Board may within ten (10) days of such action, file a written appeal to the Director of the Office of Planning and Development to have such action reviewed by the Memphis City Council.
- B. All common areas shall be owned and maintained by the property owners association recorded in the Shelby County Register Office.

VIII. PERIOD OF VALIDITY

- A. The Outline Plan/Final Plat period of validity shall be governed by Section 9.6.14 of the Unified Development Code.
- B. Time extensions. Where applicable, an application for a time extension may be filed as a Major Modification subject to Paragraph 9.6.11E(2) of the Unified Development Code. An application for a time extension shall be filed prior to the date of expiration and shall be subject to the provisions of Chapter 9.16 of the Unified Development Code.

**MEMPHIS AND
SHELBY COUNTY**  **DIVISION OF PLANNING
AND DEVELOPMENT**

City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103 – (901) 636-6619

July 9, 2021

Bobalu, LLC
322 South Hollywood Street
Memphis, TN 38117

Sent via electronic mail to (applicant's representative): db@brittenumlaw.com

35 Central Planned Development
Case Number: PD 21-20
LUCB Recommendation: Approval with outline plan conditions

Dear applicant,

On Thursday, July 8, 2021, the Memphis and Shelby County Land Use Control Board recommended **approval** of your planned development application for the 35 Central Planned Development, subject to the attached outline plan conditions.

This application will be forwarded, for final action, to the Council of the City of Memphis. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

It is the applicant's responsibility to contact the City Council Records Office to determine when the application is scheduled to be heard at committee and in public session. The City Council Records Office may be reached at (901) 636-6792.

If for some reason you choose to withdraw your application, a letter should be mailed to the Land Use and Development Services Department of the Division of Planning and Development at the address provided above or emailed to the address provided below.

If you have questions regarding this matter, please feel free to contact me at (901) 636-6619 or via email at jeffrey.penzes@memphistn.gov.

Respectfully,



Jeffrey Penzes
Principal Planner

Letter to Applicant
PD 21-20

Land Use and Development Services
Division of Planning and Development

Cc: Dedrick Brittenum, Brittenum Law, PLLC
File

Letter to Applicant

PD 21-20

Outline Plan Conditions

I. USES PERMITTED

A. AREA A:

1. Hotel, Full-Service: A hotel that features all of the following: meeting rooms, restaurant and bar, pool and/or spa, workout space, room service and concierge service.
 - a. 115 rooms permitted
2. Restaurant and Restaurant with sales of alcoholic beverages, Brew Pub (no accessory drive-through)

B. AREA B:

1. Levels 1-2: Structured Parking
2. Level 3: Office Uses (35,000 square feet permitted)
3. Level 4-6: Multi-Family/Apartment Residential (75 units/90 beds).

- C. Accessory Uses shall be permitted in accordance with Chapter 2.9 of the Unified Development Code.

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 - a. Central Avenue: 7-feet
 - b. Highland Street: 9-feet
2. Side (East): 35-feet
3. Rear (South): *None

**5-foot min. separation is required between detached buildings on separate lots.*

C. Maximum Building Heights:

1. Building A: 7 Stories, 85-feet
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- D. All exterior façade materials shall be subject to review and administrative approval by the Division of Planning and Development.

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Letter to Applicant

PD 21-20

partially screened with foundation plantings, subject to administrative review and approval by the Division of Planning and Development.

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 - 4. Off-street parking shall be accessible for public use.
 - 5. 10 bicycle parking spaces shall be provided in accordance with Sub-Section 4.5.3C of the Unified Development Code. The location shall be illustrated on the Outline Plan/Final Plat.
 - 6. In accordance with Paragraph 8.3.10E(1) of the Unified Development Code, excluding residential buildings, any building, structure, or use is exempt from the off-street parking spaces for motor vehicles and loading requirements of Chapter 4.5 of the Unified Development Code.
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Letter to Applicant
PD 21-20

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VII. DRAINAGE

Letter to Applicant

PD 21-20

- A. A Stormwater Detention Waiver is granted for the subject property.
- B. All drainage plans shall be submitted to the City Engineer for review and approval.
- C. The developer is required under 40CFR 122.26(b)(14) and TCA 69-3-101 et. Seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

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- B. All common areas shall be owned and maintained by the property owners association recorded in the Shelby County Register Office.

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- B. Time extensions. Where applicable, an application for a time extension may be filed as a Major Modification subject to Paragraph 9.6.11E(2) of the Unified Development Code. An application for a time extension shall be filed prior to the date of expiration and shall be subject to the provisions of Chapter 9.16 of the Unified Development Code.



Memphis and Shelby County Office of Planning and Development

CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

APPLICATION FOR PLANNED DEVELOPMENT APPROVAL (OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)

Date: May 6, 2021

Case #: _____

PLEASE TYPE OR PRINT

Name of Development: 35 Central

Property Owner of Record: Bobalu, LLC Phone #: (901)529-0844

Mailing Address: 322 S. Hollywood St. City/State: Memphis/TN Zip 38117

Property Owner E-Mail Address: bberry@worlds-away.com

Applicant: Bob Berry Phone # (901)529-0844

Mailing Address: 322 S. Hollywood St. City/State: Memphis/TN Zip 38117

Applicant E-Mail Address: bberry@worlds-away.com

Representative: Dedrick Brittenum Phone #: (901)552-5994

Mailing Address: 3385 Airways Blvd, Unit 229 City/State: Memphis/TN Zip 38116

Representative E-Mail Address: db@brittenumlaw.com

Engineer/Surveyor: Milestone Land Surveying, Inc (Ted Storch, RLS) Phone # (901)867-8671

Mailing Address: 2880 Cobb Rd. City/State: Lakeland/TN Zip 38002

Engineer/Surveyor E-Mail Address: ted.milestonels@gmail.com

Street Address Location: 3535 Central Ave.

Distance to nearest intersecting street: Subject property is located at the south east corner of Central Ave. and S. Highland St.

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>2.460</u>	_____	_____
Existing Zoning:	<u>CMU-2</u>	_____	_____
Existing Use of Property	<u>Religious (Exempt)</u>	_____	_____
Requested Use of Property	<u>Mixed-Use</u>	_____	_____

Medical Overlay District: Per Section 8.2.2D of the UDC, no Planned Developments are permitted in the Medical Overlay District.

Unincorporated Areas: For residential projects in unincorporated Shelby County, please provide the following information:

Number of Residential Units: N/A Bedrooms: N/A

Expected Appraised Value per Unit: N/A or Total Project: N/A

Amendment(s): Is the applicant applying for an amendment to an existing Planned Development?

Yes _____ No NO

The following modifications to existing planned developments are considered amendments: 1) a change to the permitted uses in a planned development, except in situations where a use of a higher classification is proposed to be changed to a use of a lower classification; 2) a modification to conditions that phases the uses, and 3) a conversion of public streets. See Section 9.6.11E(1) of the UDC for further details.

4.10.3 Planned Development General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations to the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in section 4.10.3:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

Correct. The project complies with the Memphis 3.0: "Building up, not out, means reinvesting in existing places. ...underutilized land will need to be repurposed for higher and better uses that improve the quality of life in Memphis."

- An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.

The subject site is within an area that has well developed infrastructure sufficient to accommodate these needs and on-site connection will be provided with the completion of the development.

- The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses... (see UDC sub-section 4.10.3C)

Outline plan considers pedestrian/ vehicle circulation, lighting respects single family residential uses at the eastern boundary, high rise residential on the south and southwest as well as the townhouse residential across Highland Street to the north west. Site access from Highland Street and Central Avenue ensures surrounding uses compatibility.

- Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.

The few proposed modifications are necessities for the success of the proposed use and the outline plan design considers the determined effort to be consistent with the public interest.

- Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.

Agreed

- Lots of records are created with the recording of a planned development final plan.

Agreed

development is to be designed, arranged and operated in order to limit impact to neighboring properties.

- d) A description of the applicant's planning objectives, the approaches to be followed in achieving those objectives.

C. **OUTLINE PLAN**

1) Two (2) copies of an Outline Plan shall be submitted and drawn at a scale of not less 1"=100' for developments of less than 150 acres, 1"=200' for developments between 150 and 1,000 acres, and 1"=300' feet for developments in excess of 1,000 acres. If property is encumbered by easements, show type and location on plot plan.

2) Two (2) copies of legal description shall be attached to plot plan if not shown or described on the plan

- D. **SITE/CONCEPT PLAN** – Two (2) copies of the site/concept plan shall be submitted and depict the following: (a) property boundary lines and dimensions, existing utilities and easements, roadways, rail lines and public rights-of-way, crossing adjacent to the subject property; (b) the proposed height, dimensions and arrangements of buildings on the property; (c) the type and location of proposed landscaping; (d) the location of points of ingress/egress (driveways), parking lots and loading areas on the site; and (e) any proposed substantial re-grading of the site and any significant topographical or physical features of the site including water courses or ponds. Site/Concept plans shall be drawn at a scale of not less 1"=100' for developments of less than 150 acres, 1"=200' for developments between 150 and 1,000 acres, and 1"=300' feet for developments in excess of 1,000 acres.

- E. **ELEVATIONS** – Two (2) copies of building elevations *may* be required upon request by the Office of Planning and Development. Factors that will be taken into consideration by the Office of Planning and Development in its determination that building elevations are required are surrounding land uses, frontage requirements and proximity of the requested building(s) to the public right-of-way.

F. **VICINITY MAP**

Two (2) copies showing the subject property (boldly outlined) and all parcels within a 500' radius. If the 500' radius includes less than 25 property owners, the radius shall be extended at 100' intervals to reach a minimum of 25 property owners provided, however, that the maximum total radius is 1,500'. Show for each parcel its dimensions, owner's name (on the vicinity map unless prior approval is given to do otherwise) and the public streets, alleys or private drives that it abuts. In situations where the parcels on the map are so small that the property owner's names are unable to fit and numbered legend is used, every effort should be made to place the legend on the map itself and not a separate sheet.

G. **LIST OF NAMES AND ADDRESSES**

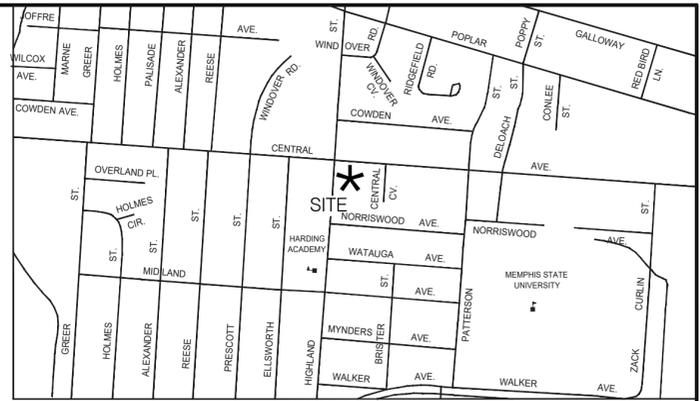
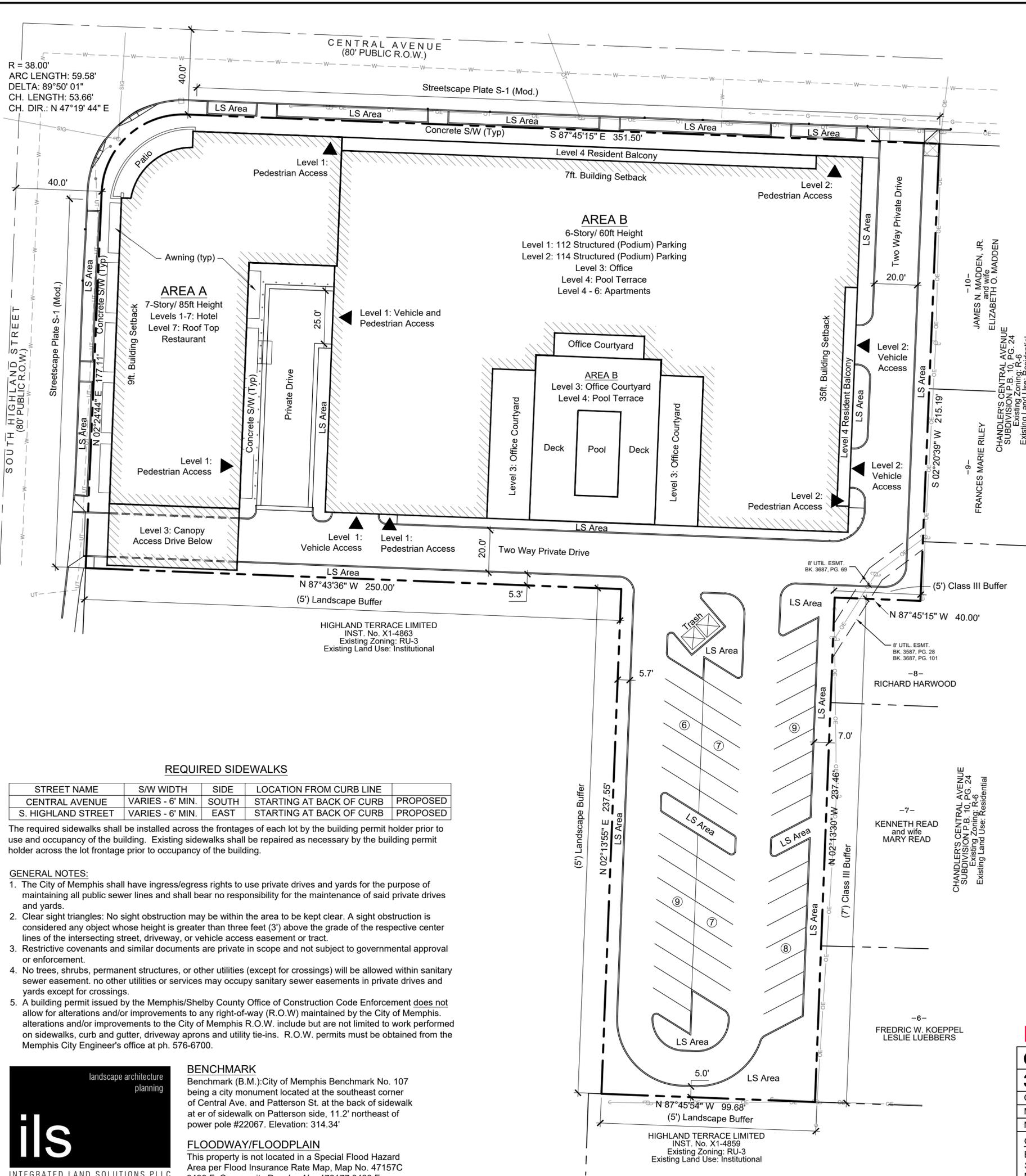
1) Two (2) complete lists of names and mailing addresses, including zip codes, of all owners shown on the vicinity map, typewritten on 1"x 2^{5/8}" self-adhesive mailing labels and 2 paper sets. Three (3) sets of gummed back mailing labels and paper copies are needed for subject properties located in Shelby County but within five (5) miles of the Memphis City limits.

2) Two (2) self-adhesive mailing labels (1"x 2^{5/8}"") each for the owner of record, applicant, representative and/or engineer/surveyor.

H. **FILING FEES** (*All Fees Are Subject To Change without Prior Notice*)

1) Planned Development: 5.0 Acres or less=\$1,500. Each additional acre or fraction thereof =\$100. Maximum =\$10,000. Make check payable to "M/SC Office of Planning and Development"

***ALL APPLICATIONS MUST BE SUBMITTED IN PERSON AND THE SUBMITTER MUST RECEIVE A RECEIPT OF ACCEPTANCE FROM STAFF**



BUILDING DATA			
BUILDING	USE	HEIGHT	GROSS SF
BLDG. A	HOTEL/RESTAURANT	7 STORY/85'	±78,500 SF
BLDG. B	OFFICE/RESIDENTIAL	6 STORY/60'	±145,000 SF

SITE DATA	
TOTAL SITE:	107,147 sf (2.46 ac)
EX. ZONING:	COMM. MIXED USE - 2 (CMU-2) UNIV. DISTRICT OVERLAY/ P.D.
PARKING REQUIRED:	UDC 8.3.10E
OFFICE USES (35,000sf)	None
HOTEL (115 Units @ 0.5/unit)	58
APARTMENTS (90 beds @ 0.5/bed)	45
BICYCLE	10
ADA ACCESSIBLE	7
TOTAL	120
PARKING PROVIDED:	
LEVEL 1 STRUCTURED PARKING	112 (4 ADA)
LEVEL 2 STRUCTURED PARKING	114 (3 ADA)
OFF-STREET SURFACE PARKING	49
BICYCLE	10
TOTAL	285
SETBACKS:	
FRONT:	
CENTRAL AVE:	7'
S. HIGHLAND ST:	9'
SIDE (east):	35' (UDC 8.3.8)
REAR (south):	0' (UDC 8.3.6D)
	*5' Minimum Bldg. Separation

REQUIRED SIDEWALKS

STREET NAME	S/W WIDTH	SIDE	LOCATION FROM CURB LINE	PROPOSED
CENTRAL AVENUE	VARIABLES - 6' MIN.	SOUTH	STARTING AT BACK OF CURB	PROPOSED
S. HIGHLAND STREET	VARIABLES - 6' MIN.	EAST	STARTING AT BACK OF CURB	PROPOSED

The required sidewalks shall be installed across the frontages of each lot by the building permit holder prior to use and occupancy of the building. Existing sidewalks shall be repaired as necessary by the building permit holder across the lot frontage prior to occupancy of the building.

GENERAL NOTES:

- The City of Memphis shall have ingress/egress rights to use private drives and yards for the purpose of maintaining all public sewer lines and shall bear no responsibility for the maintenance of said private drives and yards.
- Clear sight triangles: No sight obstruction may be within the area to be kept clear. A sight obstruction is considered any object whose height is greater than three feet (3') above the grade of the respective center lines of the intersecting street, driveway, or vehicle access easement or tract.
- Restrictive covenants and similar documents are private in scope and not subject to governmental approval or enforcement.
- No trees, shrubs, permanent structures, or other utilities (except for crossings) will be allowed within sanitary sewer easement. no other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
- A building permit issued by the Memphis/Shelby County Office of Construction Code Enforcement does not allow for alterations and/or improvements to any right-of-way (R.O.W) maintained by the City of Memphis. alterations and/or improvements to the City of Memphis R.O.W. include but are not limited to work performed on sidewalks, curb and gutter, driveway aprons and utility tie-ins. R.O.W. permits must be obtained from the Memphis City Engineer's office at ph. 576-6700.

BENCHMARK

Benchmark (B.M.): City of Memphis Benchmark No. 107 being a city monument located at the southeast corner of Central Ave. and Patterson St. at the back of sidewalk at or of sidewalk on Patterson side, 11.2' northeast of power pole #22067. Elevation: 314.34'

FLOODWAY/FLOODPLAIN

This property is not located in a Special Flood Hazard Area per Flood Insurance Rate Map, Map No. 47157C 0430 F, Community Panel No. 470177 0430 F, Effective Date: September 28, 2007.

landscape architecture
planning

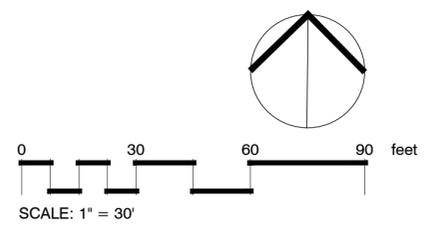
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INTEGRATED LAND SOLUTIONS, PLLC
9967 Bentwood Creek Cv. Collierville, Tn 38017
901.493.6996 corybrady@gmail.com

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OUTLINE/FINAL PLAT
35 CENTRAL PLANNED DEVELOPMENT

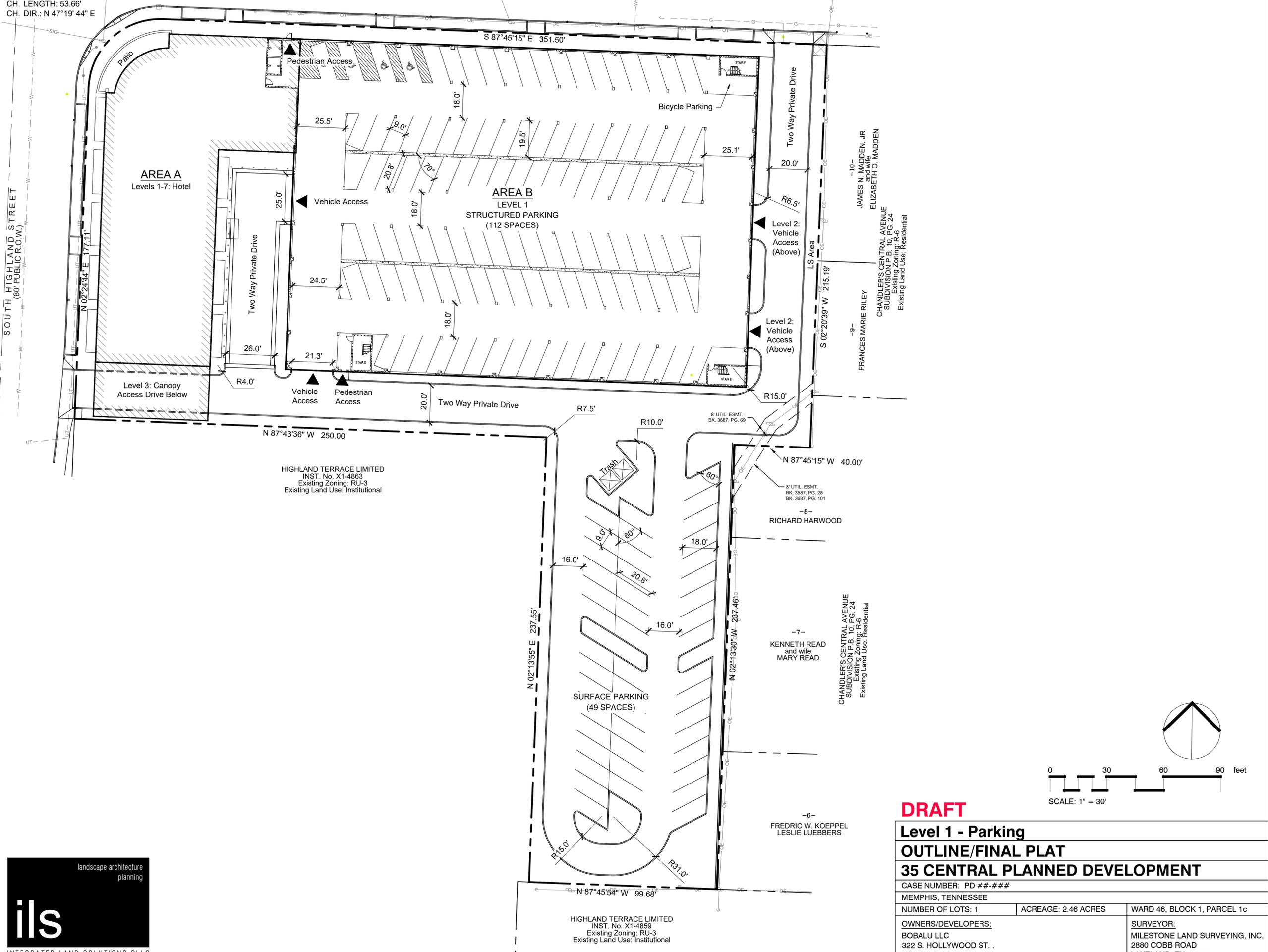
CASE NUMBER: PD ###-###		
MEMPHIS, TENNESSEE		
NUMBER OF LOTS: 1	ACREAGE: 2.46 ACRES	WARD 46, BLOCK 1, PARCEL 1c
OWNERS/DEVELOPERS: BOBALU LLC 322 S. HOLLYWOOD ST. MEMPHIS, TN 38117		SURVEYOR: MILESTONE LAND SURVEYING, INC. 2880 COBB ROAD LAKE LAND, TN 38002
100 YEAR FLOOD ELEV: N/A	FEMA MAP PANEL No. 470177 0430 F	FEMA MAP DATE: 9/28/2007
JUNE 2021	SCALE: 1" = 30'	SHEET 1 OF 7



R = 38.00'
 ARC LENGTH: 59.58'
 DELTA: 89°50' 01"
 CH. LENGTH: 53.66'
 CH. DIR.: N 47°19' 44" E

SOUTH HIGHLAND STREET
 (60' PUBLIC R.O.W.)

CENTRAL AVENUE
 (80' PUBLIC R.O.W.)



HIGHLAND TERRACE LIMITED
 INST. No. X1-4863
 Existing Zoning: RU-3
 Existing Land Use: Institutional

8' UTIL. ESMT.
 BK. 3687, PG. 69

8' UTIL. ESMT.
 BK. 3687, PG. 28
 BK. 3687, PG. 101

-8-
 RICHARD HARWOOD

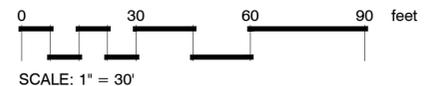
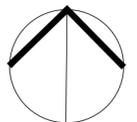
-7-
 KENNETH READ
 and wife
 MARY READ
 CHANDLER'S CENTRAL AVENUE
 SUBDIVISION P.B. 10, PG. 24
 Existing Zoning: R-6
 Existing Land Use: Residential

-10-
 JAMES N. MADDEN, JR.
 and wife
 ELIZABETH O. MADDEN
 CHANDLER'S CENTRAL AVENUE
 SUBDIVISION P.B. 10, PG. 24
 Existing Zoning: R-6
 Existing Land Use: Residential

-9-
 FRANCES MARIE RILEY

-6-
 FREDRIC W. KOEPEL
 LESLIE LUEBBERS

HIGHLAND TERRACE LIMITED
 INST. No. X1-4859
 Existing Zoning: RU-3
 Existing Land Use: Institutional



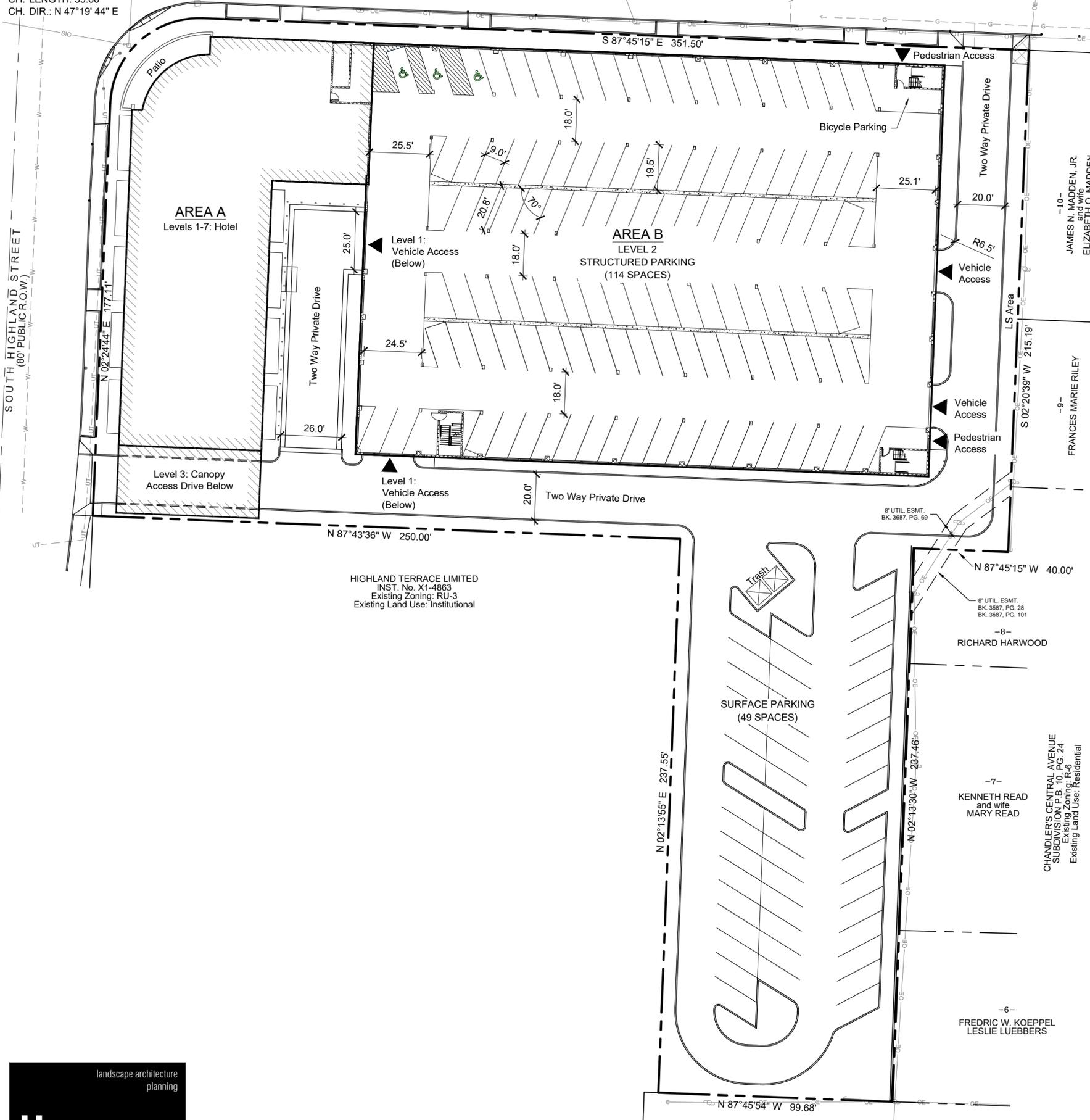
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Level 1 - Parking		
OUTLINE/FINAL PLAT		
35 CENTRAL PLANNED DEVELOPMENT		
CASE NUMBER: PD ###-###		
MEMPHIS, TENNESSEE		
NUMBER OF LOTS: 1	ACREAGE: 2.46 ACRES	WARD 46, BLOCK 1, PARCEL 1c
OWNERS/DEVELOPERS: BOBALU LLC 322 S. HOLLYWOOD ST. MEMPHIS, TN 38117		SURVEYOR: MILESTONE LAND SURVEYING, INC. 2880 COBB ROAD LAKELAND, TN 38002
100 YEAR FLOOD ELEV: N/A	FEMA MAP PANEL No. 470177 0430 F	FEMA MAP DATE: 9/28/2007
JUNE 2021	SCALE: 1" = 30'	SHEET 2 OF 7

R = 38.00'
 ARC LENGTH: 59.58'
 DELTA: 89°50' 01"
 CH. LENGTH: 53.66'
 CH. DIR.: N 47°19' 44" E

SOUTH HIGHLAND STREET
 (80' PUBLIC R.O.W.)

CENTRAL AVENUE
 (80' PUBLIC R.O.W.)



HIGHLAND TERRACE LIMITED
 INST. No. X1-4863
 Existing Zoning: RU-3
 Existing Land Use: Institutional

SURFACE PARKING
 (49 SPACES)

HIGHLAND TERRACE LIMITED
 INST. No. X1-4859
 Existing Zoning: RU-3
 Existing Land Use: Institutional

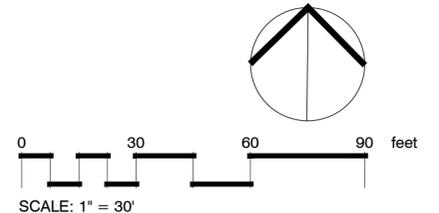
-10-
 JAMES N. MADDEN, JR.
 and wife
 ELIZABETH O. MADDEN

-9-
 FRANCES MARIE RILEY

-7-
 KENNETH READ
 and wife
 MARY READ

-6-
 FREDRIC W. KOEPEL
 LESLIE LUEBBERS

-8-
 RICHARD HARWOOD



DRAFT

Level 2 - Parking		
OUTLINE/FINAL PLAT		
35 CENTRAL PLANNED DEVELOPMENT		
CASE NUMBER: PD ###-###		
MEMPHIS, TENNESSEE		
NUMBER OF LOTS: 1	ACREAGE: 2.46 ACRES	WARD 46, BLOCK 1, PARCEL 1c
OWNERS/DEVELOPERS: BOBALU LLC 322 S. HOLLYWOOD ST. MEMPHIS, TN 38117		SURVEYOR: MILESTONE LAND SURVEYING, INC. 2880 COBB ROAD LAKELAND, TN 38002
100 YEAR FLOOD ELEV: N/A	FEMA MAP PANEL No. 470177 0430 F	FEMA MAP DATE: 9/28/2007
JUNE 2021	SCALE: 1" = 30'	SHEET 3 OF 7

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 9967 Bentwood Creek Cv. Collierville, Tn 38017
 901.493.6996 corybrady@gmail.com

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- A. AREA A:
 1. Overnight Lodging/Hotel (115 Hotel rooms permitted)
 2. Restaurant and Restaurant with sales of alcoholic beverages, Brew Pub
- B. AREA B:
 1. Levels 1-2: Structured Parking
 2. Level 3: Office Uses (35,000sf permitted)
 3. Level 4-6: Multi-Family/Apartment Residential (75 units/90 beds).
- C. Accessory Uses shall be permitted in accordance with UDC §2.9.

II. BULK REGULATIONS

- A. The Building Envelope Standards for the University District Overlay UDC §8.3.6D through §8.3.8 shall apply. Where provisions of these conditions are in conflict with the above referenced ordinance, these provisions apply.
- B. Building Setbacks:
 1. Front:
 - a. Central Avenue: 7-foot
 - b. Highland Street: 9-foot
 2. Side (East): 35-feet (UDC 8.3.8)
 3. Rear (South): *None (5-foot min. separation is required between detached buildings on separate lots)
- C. Maximum Building Heights:
 1. Building A: 7 Stories, 85-feet
 2. Building B: 6 Stories, 60-feet

III. ACCESS, PARKING AND CIRCULATION

- A. Permit one (1) point of vehicular access along Central Avenue in the general location illustrated on the Outline Plan/Final Plat.
- B. Permit one (1) point of vehicular access along Highland Street in the general location illustrated on the Outline Plan/Final Plat.
- C. The design and location of curb cuts to be approved by the City Engineer.
- D. All internal drives shall be private, owned and maintained by a property owner's association.
- E. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader, etc.
- F. Clear sight triangles: No sight obstruction may be within the area to be kept clear. A sight obstruction is considered any object whose height is greater than three feet (3') above the grade of the respective center lines of the intersecting street, driveway, or vehicle access easement or tract.
- G. Off Street Parking:
 1. Structured and/or surface parking spaces shall be provided as accessory parking as generally illustrated on the Outline Plan/Final Plat.
 2. Shared parking shall be allowed for all permitted uses.
 3. Off street parking spaces shall conform §4.5 of the M/SC Unified Development Code.
 4. Off-street parking shall be accessible for public use.
 5. 10 bicycle parking spaces shall be provided in accordance with UDC §4.5.3C. The location shall be illustrated on the Outline Plan/Final Plat.
 6. In accordance with UDC §8.3.10E(1), EXCLUDING residential buildings, any building, structure, or use is exempt from the off-street parking spaces for motor vehicles and loading requirements of Chapter 4.5 of the M/SC Unified Development Code.
 7. All residential buildings, structures or uses shall provide a minimum number of off-street, on-site parking spaces equal to 0.5 spaces per bedroom contained in the building, structure or use.

IV. LANDSCAPING and SCREENING REQUIREMENTS

- A. The landscape and screening specifications outlined in §4.6 of the M/SC Unified Development Code shall apply as modified.
- B. Streetscape Plate S-1 Modified shall be required along Central Avenue and Highland Street.
- C. A 7-foot wide Class III Buffer shall be required where the subject property adjoins adjacent R-6 zoning district designation unless otherwise specified. Refer to Class III Buffer Plate.
- D. The Class III Buffer may be reduced to 5-foot along the north boundary of Lot 8 of Chandler's Central Avenue Subdivision.
- E. A minimum 5-foot wide landscape buffer shall be required where the subject property adjoins adjacent RU-3 zoning district designation. No landscape buffer shall be required where the building extends to the property line. Refer to 5-foot Landscape Buffer Plate.
- F. Dumpsters and similar kinds of trash containers shall be full enclosed by opaque walls, at least eight (8 feet in height with self-closing access doors and shall be constructed of materials and methods similar to that of the building.

V. LIGHTING REQUIREMENTS

All outdoor site lighting shall comply with §4.7 of the M/SC Unified Development Code.

VI. SIGNS

- A. Signs shall be permitted in accordance with the CMU-2 district regulations.
- B. Detached signs shall be limited to way finding, i.e. entry and exit.
- C. Canopy, marquee, or blade style signs may be permitted subject to the approval of DPD.
- D. Roof mounted signs shall be prohibited.

VII. DRAINAGE

- A. A Stormwater Detention Waiver is granted for the subject property.
- B. All drainage plans shall be submitted to the City Engineer for review and approval.
- C. The developer is required under 40CFR 122.26(b)(14) and TCA 69-3-101 et.Seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

VIII. MISCELLANEOUS

- A. The Land Use Control Board may modify the building and parking placement, building elements streetscapes and landscaping, site development standards, signs, outdoor site lighting and public improvements if equivalent alternatives are presented. Any adjacent property owner who is dissatisfied with the modifications approve by the Land Use Control Board may within ten (10) days of such action, file a written appeal to the Director of the Office of Planning and Development to have such action reviewed by the Memphis City Council.
- B. All common areas shall be owned and maintained by the property owners association recorded in the Shelby County Register Office.

VIII. PERIOD OF VALIDITY

- A. The Outline Plan/Final Plat period of validity shall be governed by Section 9.6.14 of the Unified Development Code.
- B. Time extensions. Where applicable, an application for a time extension may be filed as a Major Modification subject to Paragraph 9.6.11E(2). An application for a time extension shall be filed prior to the date of expiration and shall be subject to the provisions of Chapter 9.16.

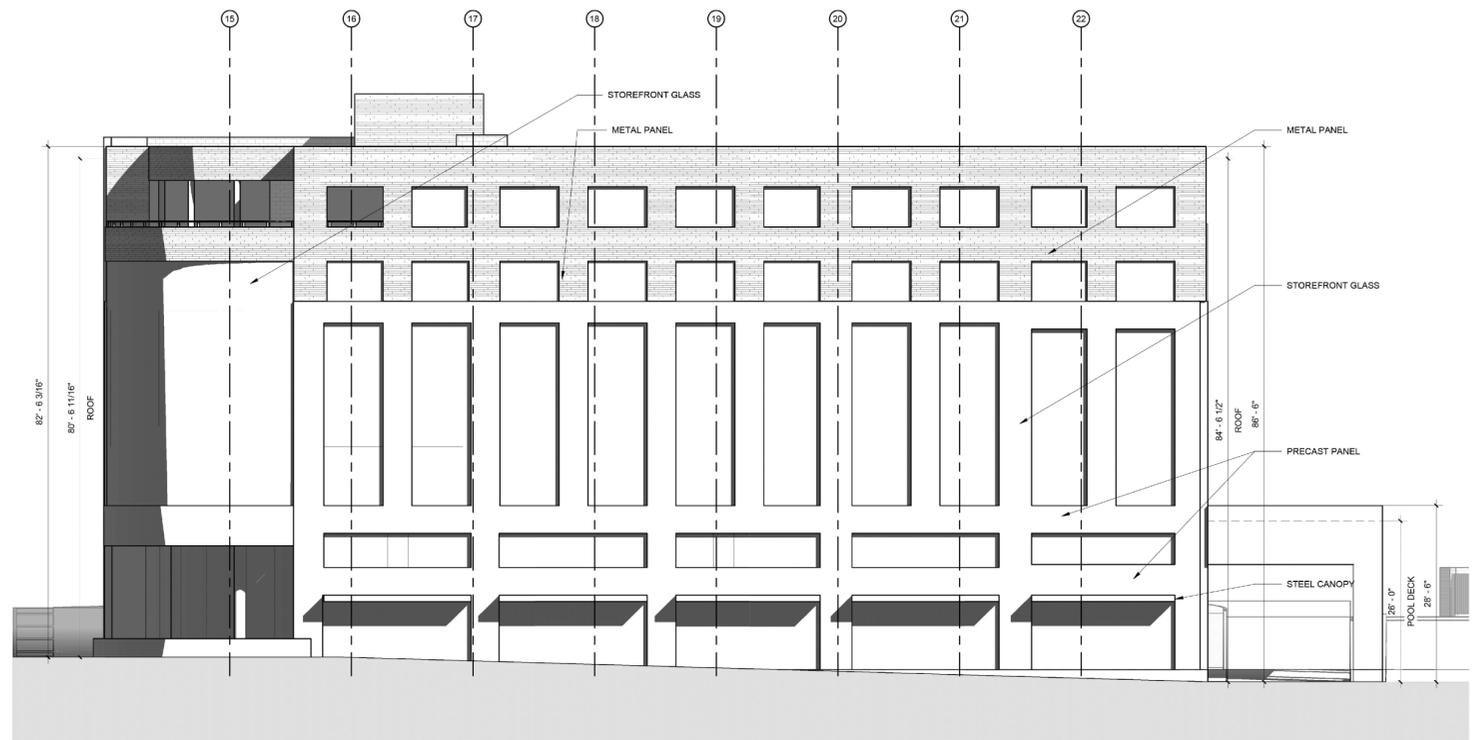
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OUTLINE/FINAL PLAT		
35 CENTRAL PLANNED DEVELOPMENT		
CASE NUMBER: PD ##-###		
MEMPHIS, TENNESSEE		
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OWNERS/DEVELOPERS: BOBALU LLC 322 S. HOLLYWOOD ST. . MEMPHIS, TN 38117		SURVEYOR: MILESTONE LAND SURVEYING, INC. 2880 COBB ROAD LAKE LAND, TN 38002
100 YEAR FLOOD ELEV: N/A	FEMA MAP PANEL No. 470177 0430 F	FEMA MAP DATE: 9/28/2007
JUNE 2021		SHEET 4 OF 7





Not to Scale

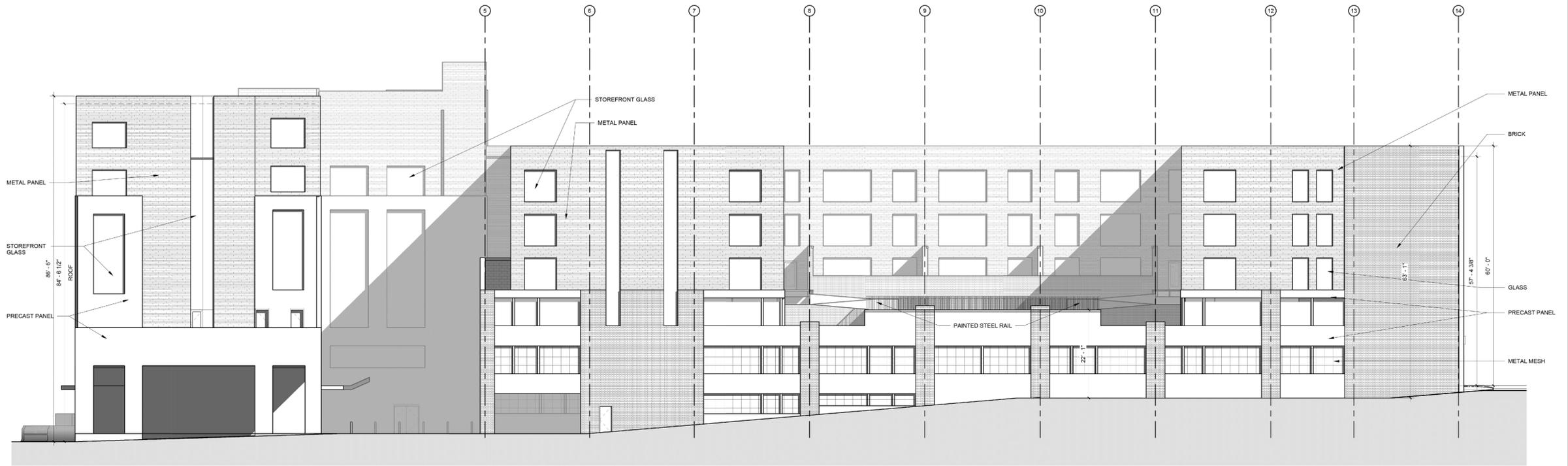


WEST ELEVATION

Not to Scale

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Building Elevations		
OUTLINE/FINAL PLAT		
35 CENTRAL PLANNED DEVELOPMENT		
CASE NUMBER: PD ##-###		
MEMPHIS, TENNESSEE		
NUMBER OF LOTS: 1	ACREAGE: 2.46 ACRES	WARD 46, BLOCK 1, PARCEL 1c
OWNERS/DEVELOPERS: BOBALU LLC 322 S. HOLLYWOOD ST. MEMPHIS, TN 38117		SURVEYOR: MILESTONE LAND SURVEYING, INC. 2880 COBB ROAD LAKE LAND, TN 38002
100 YEAR FLOOD ELEV: N/A	FEMA MAP PANEL No. 470177 0430 F	FEMA MAP DATE: 9/28/2007
JUNE 2021	SCALE: 1" = 30'	NOT TO SCALE



Not to Scale



EAST ELEVATION

Not to Scale

DRAFT

Building Elevations		
OUTLINE/FINAL PLAT		
35 CENTRAL PLANNED DEVELOPMENT		
CASE NUMBER: PD ##-###		
MEMPHIS, TENNESSEE		
NUMBER OF LOTS: 1	ACREAGE: 2.46 ACRES	WARD 46, BLOCK 1, PARCEL 1c
OWNERS/DEVELOPERS: BOBALU LLC 322 S. HOLLYWOOD ST. . MEMPHIS, TN 38117		SURVEYOR: MILESTONE LAND SURVEYING, INC. 2880 COBB ROAD LAKE LAND, TN 38002
100 YEAR FLOOD ELEV: N/A	FEMA MAP PANEL No. 470177 0430 F	FEMA MAP DATE: 9/28/2007
JUNE 2021	NOT TO SCALE	SHEET 7 OF 7

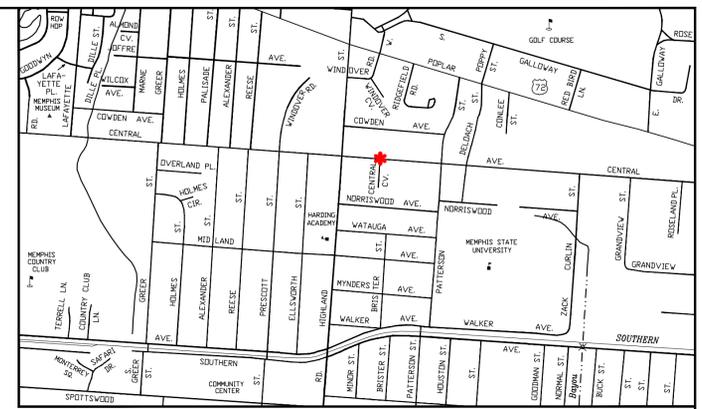
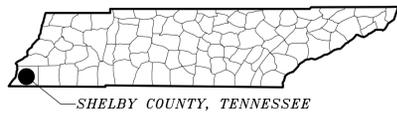
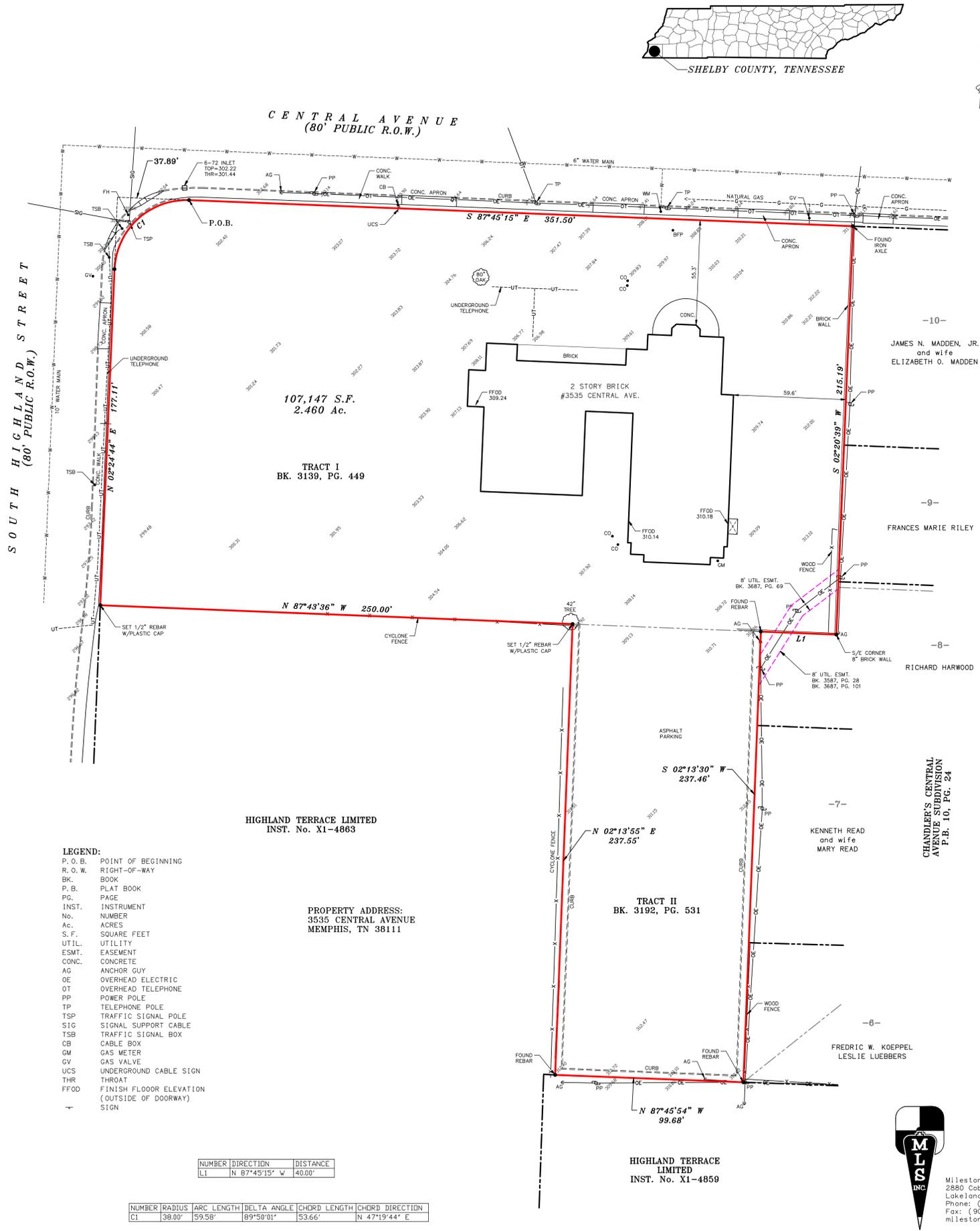
- NOTES:**
- Survey prepared for Bobalu, LLC.
 - Bearings are relative only.
 - This survey was prepared from information contained in Commitment No. 8449992 Revision 1, Effective Date: May 27, 2020 at 8:00 AM by Chicago Title Insurance Company.
 - All deed book references shown hereon are recorded in the Register's Office of Shelby County, Tennessee.
 - This property is not located in a Special Flood Hazard Area per Flood Insurance Rate Map, Map No. 47157C 0430 F, Community Panel No. 470177 0430 F, Effective Date: September 28, 2007.
 - There may be non-visible underground utilities crossing or serving this property of which we have no knowledge.
 - There may be underground or non-visible utilities, drain and/or sewer lines across this property that are not shown. The proper utility authorities should be contacted for more specific locations and information on underground utilities.
 - Subsurface and environmental conditions were not examined or considered as a part of this survey.
 - Governmental jurisdictional areas, if any, which might impact on the use of the premises were not located. No liability is assumed by the undersigned for any loss resulting from the exercise of any governmental jurisdiction affecting the use of the premises.
 - Elevations shown hereon were taken on the ground using B.M. noted hereon.
 - Benchmark (B.M.): City of Memphis Benchmark No. 107 being a city monument located at the southeast corner of Central Ave. and Patterson St. at the back of sidewalk at or of sidewalk on Patterson side, 11.2' northeast of power pole #22067. Elevation: 314.34
 - If this survey plat is also provided in electronic form, the electronic copy must be compared to the original hard copy issued at the survey date with its original seal to insure the accuracy of the information and to further insure that no changes, alterations or modifications have been made. No reliance should be made on a document transmitted by computer or other electronic means unless first compared to the original sealed document issued at the time of the survey.
 - Survey is valid only if print has original seal of surveyor.
 - Underground utilities shown hereon were plotted from markings by others and from maps provided by others. Milestone Land Surveying, Inc. assumes no responsibility for the accuracy or completeness of said maps or markings.
 - At the time of this survey, there was no observed evidence of recent earth moving work, building construction or building additions.
 - At the time of this survey, there was no observed evidence of rec-street or sidewalk construction or repairs.
 - To the best of our knowledge, there are currently no proposed changes in street right-of-way lines.
 - This property has direct access to South Highland Street and Central Avenue, both dedicated, public rights-of-way.

- SCHEDULE B SECTION II EXCEPTIONS:**
- Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the Effective Date but prior to the date the proposed Insured acquires for value of record the estate or interest or Mortgage thereon covered by the form. (not a survey matter)
 - Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. (none of which we are aware)
 - Easements, or claims of easements, not shown by the public records. (none of which we are aware)
 - Any lien or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records. (not a survey matter)
 - The rights or claims of parties in possession not shown by the public records. (not a survey matter)
 - Taxes or special assessments which are not shown as existing liens by the public records. (not a survey matter)
 - Any taxes or assessments not posted on the record of the taxing authority(ies) of which the Land described in Schedule A hereof is subject, including but not limited to: Supplemental, Revised, and/or Corrected Assessments pursuant to T.C.A. Section 67-5-509 and 67-5-603 et seq. dealing with any improvements completed after January 1 and before September 1 of any year; or Back Assessments pursuant to T.C.A. Section 67-1-1001 et seq.; or taxes based on a change in the classification of the Insured Land (Roll Back Taxes) pursuant to T.C.A. Section 67-5-1001 et seq. (not a survey matter)
 - City of Memphis taxes for the year 2021, not yet a lien, not yet due and payable and Shelby County taxes for the year 2020, a lien, not yet due and payable. (not a survey matter)
 - Any taxes for past, present or future tax years which may become due but which are not presently due and payable because of the existing tax classification of the Land as exempt. (not a survey matter)
 - Easement(s) of record in Book 1620, Page 37; Book 1711, Page 350; Book 3687, Page 69; and Book 4142, Page 166, in the Register's Office of Shelby County, Tennessee.
 - Bk. 1620, Pg. 37 (not a survey matter)
 - Bk. 1711, Pg. 350 (does not affect the subject property)
 - Bk. 3687, Pg. 69 (shown hereon)
 - Bk. 4142, Pg. 166 (does not affect the subject property)
 - Rights of tenants in possession, as tenants only, under unrecorded leases, if any. (not a survey matter)

- LEGEND:**
- P.O.B. POINT OF BEGINNING
 - R.O.W. RIGHT-OF-WAY
 - BK. BOOK
 - P.B. PLAT BOOK
 - PG. PAGE
 - INST. INSTRUMENT
 - No. NUMBER
 - Ac. ACRES
 - S.F. SQUARE FEET
 - UTIL. UTILITY
 - ESMT. EASEMENT
 - CONC. CONCRETE
 - AG ANCHOR GUY
 - OE OVERHEAD ELECTRIC
 - OT OVERHEAD TELEPHONE
 - PP POWER POLE
 - TP TELEPHONE POLE
 - TSP TRAFFIC SIGNAL POLE
 - SIG SIGNAL SUPPORT CABLE
 - TSB TRAFFIC SIGNAL BOX
 - CB CABLE BOX
 - GM GAS METER
 - GV GAS VALVE
 - UCS UNDERGROUND CABLE SIGN
 - THR THROUGH
 - FFOD FINISH FLOOR ELEVATION (OUTSIDE OF DOORWAY)
 - SIG SIGN

NUMBER	DIRECTION	DISTANCE
L1	N 87°45'15" W	40.00'

NUMBER	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD LENGTH	CHORD DIRECTION
C1	38.00'	59.58'	89°50'01"	53.66'	N 47°19'44" E



VICINITY MAP NOT TO SCALE

EXHIBIT A DESCRIPTION:
Land situated in Shelby County, Tennessee:
Parts of Lots 32, 33, 34, 37 and 38 of Buntn Highlans Subdivision, being more particularly described as follows:
Beginning at the intersection of the south line of Central Avenue and the east line of Highland Street, as widened; thence southwardly along the east line of Highland Street 230 feet; thence eastwardly parallel with the south line of Central Avenue 390 feet; thence northwardly parallel with the east line of Highland Street 230 feet to the south line of Central Avenue; thence westwardly along the south line of Central Avenue 390 feet to the point of beginning.

AND
Tract II:
Parts of Lots 37 and 38, Buntn Highlans Subdivision (Unrecorded), being more particularly described as follows: BEGINNING at a point in the south line of Lot 38 of said Subdivision, 350 feet east of the east line of Highland Avenue as widened; said point of beginning being the southwest corner of the tract of land conveyed to Aetna K. Chandler by the grantors herein by warranty deed recorded in Book 1682, page 284 in the Register's Office, Shelby County, Tennessee; thence westwardly along the south line of Lots 38 and 37 of said Subdivision, 100 feet to a point; thence northwardly and parallel with the east line of said Aetna K. Chandler tract, 237.84 feet to a point in the south line of the tract of land conveyed to the grantee herein by warranty deed recorded in Book 3239, page 449 in said Register's Office; thence eastwardly along the south line of the last mentioned tract of land 100 feet to a northwest corner said Aetna K. Chandler tract; thence southwardly along the west line of said Aetna K. Chandler tract 237.84 feet to the point of beginning.

SURVEYOR'S DESCRIPTION:
Description of the Second Church of Christ, Scientist, of Memphis, Tennessee property of record in Book 3139, Page 449 and Book 3192, Page 531 in Memphis, Shelby County, Tennessee:
Beginning at a point in the south line of Central Avenue (80' R.O.W.), said point being the east end of a curve having a radius of 38.00 feet located 37.89 feet east of the longest intersection of the south line of said Central Avenue and the east line of South Highland Street (80' R.O.W.); thence south 87 degrees 45 minutes 15 seconds east with the south line of said Central Avenue, 351.50 feet to a found iron axle in the west line of Lot 10, Chandler's Central Avenue Subdivision recorded in Plat Book 10, Page 24; thence in a southerly direction with the west line of said subdivision recorded in Plat Book 10, Page 24 the following calls: south 02 degrees 20 minutes 39 seconds west, 215.19 feet to the southeast corner of an existing 8" brick wall; north 87 degrees 45 minutes 15 seconds west, 40.00 feet to a found rebar; south 02 degrees 13 minutes 30 seconds west, 237.46 feet to a found rebar in the north line of the Highland Terrace Limited property recorded at Instrument No. X1-4859; thence north 87 degrees 45 minutes 54 seconds west with the north line of said property recorded at Instrument No. X1-4859, 99.68 feet to a found rebar in the east line of the Highland Terrace Limited property recorded at Instrument No. X1-4863; thence north 02 degrees 13 minutes 55 seconds east with the east line of said property recorded at Instrument No. X1-4863, 237.55 feet to a set 1/2" rebar with plastic cap; thence north 87 degrees 43 minutes 36 seconds west with the north line of said property recorded at Instrument No. X1-4863, 250.00 feet to a set 1/2" rebar with plastic cap in the east line of the aforesaid South Highland Street; thence north 02 degrees 24 minutes 44 seconds east with the east line of said South Highland Street, 177.11 feet to a point of curvature; thence in a northeasterly direction along a curve to the right having a radius of 38.00 feet, delta angle of 89 degrees 50 minutes 01 seconds, chord = north 47 degrees 19 minutes 44 seconds east - 53.66 feet, an arc length of 59.58 feet to the Point of Beginning and containing 107,147 square feet or 2.460 acres of land.

This being the same property described in Schedule A of Chicago Title Insurance Company Commitment No. 8449992, dated May 27, 2020.

CERTIFICATION:
To Robert Berry; 266 Lofts, LLC, a Tennessee limited liability company; Berry/Smith Development, LLC, a Tennessee limited liability company; Boss, Berry & Sims PLC; Smith and Smith Law Firm; and Chicago Title Insurance Company;

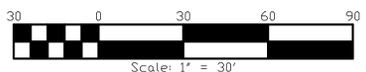
This is to certify that this map or plat and the survey on which it is based were made in accordance with 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 4, 5, 13, 14, 15, and 17 of Table A thereof. The field work was completed on June 10, 2020.

MILESTONE LAND SURVEYING, INC.
By *Regis T. Storck, Jr.* Date *6/10/2020*
Regis T. Storck, Jr., PLS, RLS Date
Vice President
Tennessee Certificate No. 2138

ALTA/NSPS LAND TITLE SURVEY
OF THE
SECOND CHURCH OF CHRIST,
SCIENTIST, OF MEMPHIS,
TENNESSEE PROPERTY
RECORDED IN
BK. 3139, PG. 449 & BK. 3192, PG. 531
MEMPHIS,
SHELBY COUNTY, TENNESSEE
SCALE: 1" = 40' DATE: JUNE 10, 2020



Milestone Land Surveying, Inc.
2880 Cobb Road
Lakeland, TN 38002
Phone: (901) 867-8671
Fax: (901) 867-9889
milestones@ellsouth.net



Brittenum

Law pllc

ATTORNEY AT LAW
Airways Professional Center – Aerotropolis
3385 Airways Boulevard, Suite 229
Memphis, Tennessee 38116 USA
Telephone 901.347.3978
Facsimile 901.800.1927
db@brittenumlaw.com

3 June 2021

Josh Whitehead, AICP
Planning Director / Administrator
Memphis & Shelby County Office of Planning and Development
City Hall
125 North Main Street, Suite 468
Memphis, TN 38103

RE: 3535 Central Avenue Project
Application for Residential Corridor Revocation
Application for Rezoning Approval (RU-3 < CMU-2)
Application for Planned Development Approval

Dear Administrator Whitehead:

I represent Bobalu, LLC regarding the above referenced applications for a site on the southeast corner of the intersection of Central Avenue and Highland Street. The subject property is currently zoned RU-3 with the University District Overlay. The site is approximately 2.460 acres. The current use is institutional for the Third Church of Christ, Scientist which has assembled there for several decades. Bobalu LLC has owned the property since September 2020. You will find enclosed the three applications named above with supporting documents for staff review and recommendation, LUCB consideration and recommendation and City Council action. The applications are filed to be heard by the LUCB on Thursday, 8 July 2021.

The applicant is seeking approval for a concept to redevelop the above tract as a mixed-use hotel destination complex. Considering the proximity to the University of Memphis, the site is ideal for in demand use as hotel, offices and apartments in this University District neighborhood. The development consists of a seven-story hotel showing 115 rooms with restaurant / bar. The design has private offices (34,000 sq permitted) with a courtyard on level 3. The pool terrace is on Level 4. Levels 4-6 have 75 apartment units to accommodate 90 beds. Great attention is given to dedicated parking located on levels 1 and 2 of the structure and ground parking on the south of the site. The off-street parking will be accessible to the public. There are two access points, one located on Central Avenue and one on Highland Street as approved by the Memphis City Engineer.

The 35 Central development considers the Memphis 3.0 Comprehensive Plan for the University District area. Two of the district priorities are addressed by the planned re-use of the subject site and the ongoing efforts to revitalize the existing commercial uses along Highland Street. The mixed-use aspect of the project will contribute to the goal of a walkable environment within the existing multifamily neighborhood with the area commercial center on Highland Street just to the south. The hotel complex is in an anchor designation area and is planned to attract people from the neighborhood and all over Memphis as a center of high activity.

The existing uses in the vicinity are comprised of single-family residential east of the site, multifamily to the south along both sides of Highland Street, north across Central Avenue and townhouse use to the northwest. Situated between multifamily towers immediately to the north and south, the hotel provides a nice step-down appeal for this corner. The hotel building also recognizes contemporary urban design principals to achieve a sense of place. Overall, the University District planning standards are incorporated with Memphis 3.0 principles to achieve a development that conforms with the surrounding neighborhood. Upon completion, the 35 Central Hotel will become the talk of the nation as the place to stay in Memphis for top tier overnight lodging.

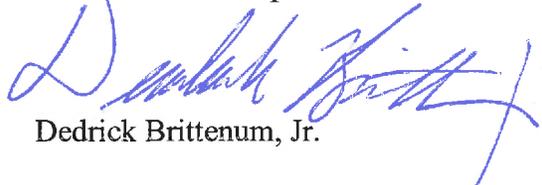
The professional consultants associated with the development are:

Fleming Architects, Memphis
Kimley-Horn, Memphis
Integrated Land Solutions, Collierville
Dr. Martin Lipinski, Memphis
Younger Associates, Memphis

The planning objective of the applicant provides world class accommodations in an area dedicated to instruction, learning, arts and culture for Memphis. The development blends with and enhances the mix of uses for people living in the area as well as those visitors drawn to the prime amenities of the University District. The applicant reviewed the various planning studies for the area in developing the concept for the hotel development. Finally, analysis shows a onetime construction economic impact over \$104 million, the annual operations economic impact is over \$14 million and the annual direct/ indirect jobs number is 234.

Thank you for the time to review the application and setting it for hearing before the LUCB. On behalf of the applicant and the entire development team, support for approval is requested for this application. Should you have questions or comments, please advise. I remain,

Very truly yours,
Brittenum Law pllc



Dedrick Brittenum, Jr.

enclosure



May 25, 2021

Sent via electronic mail

Casey Wilder, P.E.
Kimley-Horn and Associates, Inc.
6750 Poplar Avenue, Suite 600,
Memphis, TN 38138

**Re: Proposed Mixed-Use Development at 3535 Central Avenue
Request for Storm Water Detention Waiver**

Dear Casey,

Your report dated May 14th (attached, received by Engineering May 14th, 2021), requested a waiver from any potential storm water detention requirements that would be required by the Memphis and Shelby County Storm Water Management Manual (SWMM) as a result of the referenced development.

The SWMM, Volume 1, Section 6.6.6 offers three (3) conditions where storm water detention may be waived. These conditions state:

1. The runoff of a 10-year storm from the proposed projects exceeds the maximum release rates by less than 15%, or 1.5 cubic feet per second (whichever is greater).
2. There is no downstream restriction and the project is located in the lower 25% of the basin above the downstream end of the restriction, as determined by travel times, or where the design engineer can show that detaining the storm water from the project would increase the 10-year peak flows at all downstream restrictions.
3. Detention is deemed impractical by the City and/or County Engineer.

You have based your waiver request on Condition One (1) above. The development is in a non-sensitive basin (Country Club 2-S). The calculations and drawings you provided clearly show the difference between the pre- and post-development peak flow will exceed its maximum release rates by less than 15%. The pre-development and post-development release rates for the 10-yr, 5 min. rainfall intensity were 13.58 cfs and 15.34 cfs, respectively. The peak runoff difference is 1.76 cfs and the % increase in peak discharge flow is 13%. Condition 1 is considered applicable, so therefore the **storm water detention requirement is waived for the subject development.**

If this office may be of further assistance, please contact Corvis Willis at (901) 636-6939 or via email at corvis.willis@memphistn.gov.

Sincerely,

Jack Stevenson, P.E.
Administrator Land Development/Budget
Division of Engineering
City of Memphis

Encl: Storm Water Detention Waiver Request



May 14, 2021

Mr. Jack Stevenson, P.E.
City of Memphis
Division of Engineering
125 North Main Street, Room 644
Memphis, Tennessee 38103

**RE: Proposed Mixed-Use Development
3535 Central Avenue, Memphis, TN**

Dear Mr. Stevenson:

Our Client is proposing a mixed-used development at 3535 Central Avenue near the University of Memphis. The development consists of parking on the first and second levels, a commercial office space and hotel rooms starting on the third level, and apartments as well as more hotel rooms on the remaining levels. The site will comprise 2.46 acres in total. It is understood that stormwater detention will be required by the City of Memphis' Engineering Department for this site development. However, after reviewing the site and performing preliminary calculations, we would like to request a relief from providing detention based on the following items.

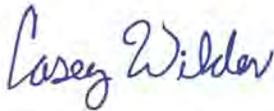
- The site is relatively small and is currently within the University District Overlay, which promotes density, new construction to be located near the street, and sizable streetscapes. The size of the property and the density of the development make it necessary for the building and parking garage footprint to comprise most of the site and for any detention provided to then be located underground. As you can see on the attached site plan, any underground detention would be located beneath proposed improvements, inherently increasing maintenance difficulty.
- The site currently slopes from southeast to northwest near the Central Avenue-Highland Street intersection, making the northwest corner of the development the obvious choice for detention infrastructure. Because of Unified Development Code requirements, buildings have been placed near the street and the streetscapes are wide to accommodate both softscape and a pedestrian thoroughfare making the northwest corner unfeasible for detention infrastructure.
- The property is currently developed as a place of worship and has approximately 70% impervious coverage. The proposed development will increase the impervious

coverage by approximately 28%. Given the relatively small footprint of the proposed development, the overall site runoff increase for the 10-year storm event is less than a 15% increase in the peak discharge flow rate.

Given that the runoff of the 10-year storm from the proposed project exceeds the predeveloped release rate by less than 15%, thereby meeting a condition for granting of a waiver for detention requirements per the Memphis and Shelby County Storm Water Management Manual, we appreciate your consideration to this request.

If you have any questions or need any additional information, please do not hesitate to contact me at (901) 443-6565 or Casey.Wilder@kimley-horn.com.

Sincerely,



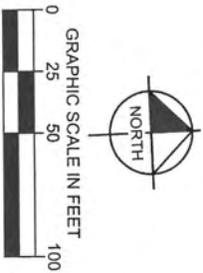
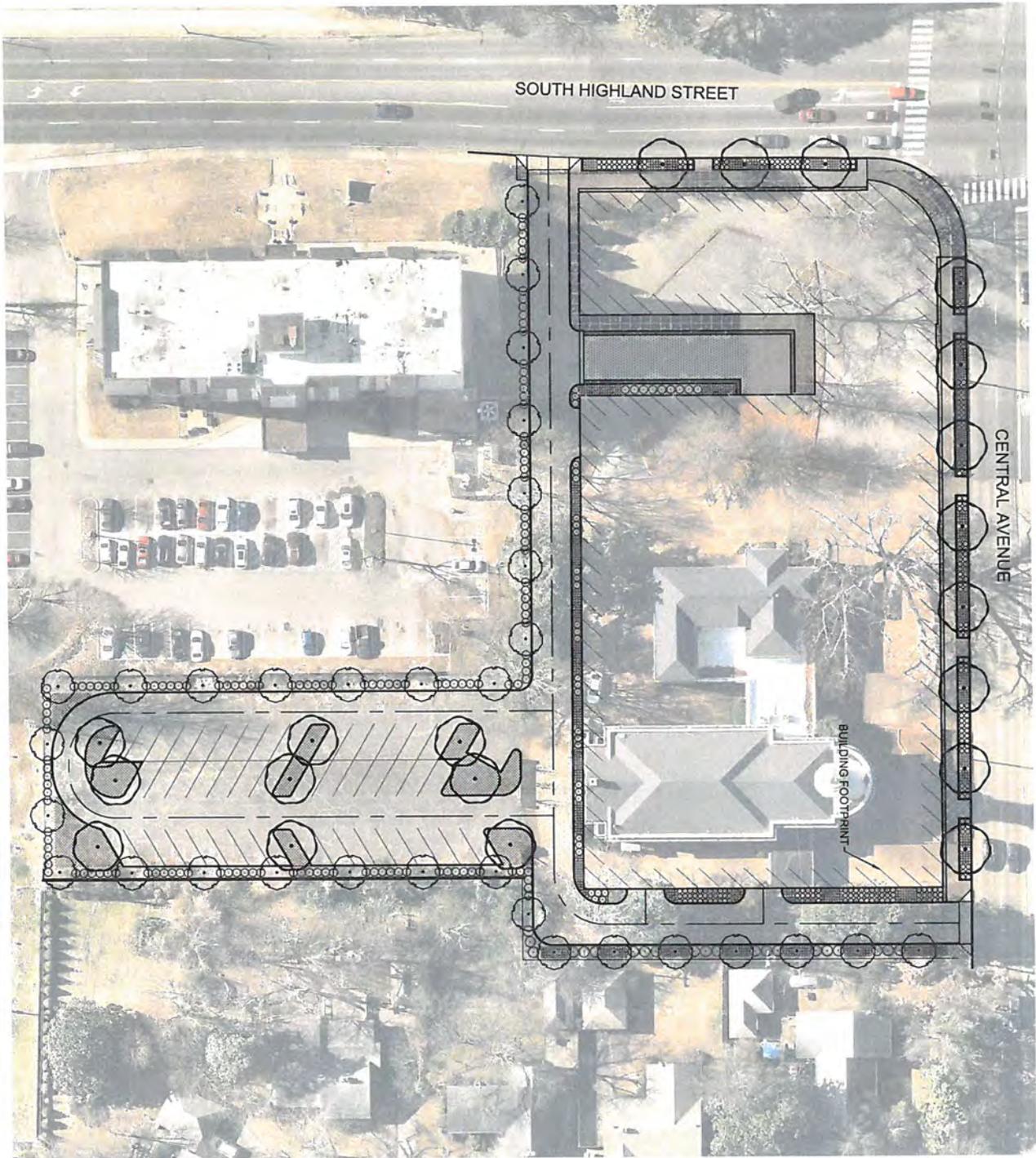
Casey Wilder, P.E.
KIMLEY-HORN AND ASSOCIATES, INC.

Enclosures:

1. Site Plan
2. Detention Relief Calculations



FIGURE 1: EXISTING AERIAL



SHEET
EXHIBIT B

JOB NO.: 115033014
SCALE: 1" = 50'
DATE: 05/14/2021

PROJECT:
MIXED-USE DEVELOPMENT

TITLE:
PROPOSED SITE PLAN

Kimley»Horn
6750 POPLAR AVENUE, SUITE 600
MEMPHIS, TN 38138
PHONE: (901) 374-9109 | www.kimley-horn.com

PROJECT NAME: **Proposed Mixed-Use Development**

5/14/2021

LOCATION: **3535 Central Avenue, Memphis, TN**

PREPARED FOR: **City of Memphis**

Project Constants		
Project Site Area	2.46	ac
Intensity (10 year, 5 min duration)	7.36	in/hr
Runoff Coefficients	0.90	impervious
	0.40	pervious

Pre Development		
Pervious Area	0.74	ac
Impervious Area	1.72	ac
Peak Runoff Q_{10}	13.58	cfs

Post Development		
Pervious Area	0.26	ac
Impervious Area	2.20	ac
Peak Runoff Q_{10}	15.34	cfs

Peak Runoff Difference	1.76	cfs
% Increase in Peak Discharge Flow	13.0%	



Shelby County Tennessee

Shelandra Y Ford

Shelby County Register

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.

20104894

09/28/2020 - 01:19:30 PM

7 PGS

KRISTIN 2095102-20104894

VALUE	3300000.00
MORTGAGE TAX	0.00
TRANSFER TAX	12210.00
RECORDING FEE	35.00
DP FEE	2.00
REGISTER'S FEE	1.00
EFILE FEE	2.00
TOTAL AMOUNT	12250.00

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This Instrument Prepared**By:**

Stewart G. Austin, Jr.
 Glankler Brown, PLLC
 6000 Poplar Ave., Suite 400
 Memphis, Tennessee 38119

Name and Address of**Property Owner:**

Bobalu LLC
322 S. Hollywood
Memphis, TN 38104

Property Address:

3535 Central Avenue
 Memphis, Tennessee

Tax Parcel ID #:

46-01-01C

Return To:

Smith & Smith
 4917 William Arnold Road
 Memphis, TN 38117

Mail Tax Bills to:

Bobalu LLC
322 S. Hollywood
Memphis, TN 38117

WARRANTY DEED

THIS INDENTURE, made and entered into effective the 24th day of September, 2020, by and between **THIRD CHURCH OF CHRIST, SCIENTIST, MEMPHIS, TENNESSEE**, a Tennessee not for profit corporation (hereinafter the "Grantor"), and **BOBALU LLC**, a Tennessee limited liability company (the "Grantee").

WITNESSETH:

That for and in consideration of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, Grantor has bargained and sold and does hereby bargain, sell, convey and confirm unto Grantee, the following described real estate located in the City of Memphis, County of Shelby, State of Tennessee, to-wit:

See **Exhibit A** attached hereto.

Being the same property conveyed to Second Church of Christ, Scientist by deeds of record at Book 3139, Page 449, and Book 3192, Page 531 in the Register's Office of Shelby County, Tennessee. Second Church of Christ, Scientist merged into Third Church of Christ, Scientist as evidenced by Articles of Merger of record at Instrument No. 07045651 in said Register's Office.

TO HAVE AND TO HOLD the Property with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto Grantee, its successors and assigns in fee simple forever.

Grantor does hereby covenant with Grantee that it is lawfully seized in fee of the aforescribed real estate; that it has good right to sell and convey the same; that the same is unencumbered, except for matters shown on attached **Exhibit B** and that the title and quiet possession thereto it will forever warrant and defend against the lawful claims of all persons.

Additionally, Grantor hereby quitclaims to Grantee with no warranties of title the property described on attached **Exhibit C**, which property description was prepared by Milestone Land Surveying.

IN WITNESS WHEREOF, Grantor has caused this deed to be signed as of the day and year first above written.

**THIRD CHURCH OF CHRIST, SCIENTIST,
MEMPHIS, TENNESSEE
a Tennessee not for profit corporation**

By: John Elliott
Name: John Elliott
Title: Exec. Board Chairman

By: Margaret W. Grinder
Name: Margaret W. Grinder
Title: Board Vice-Chairman

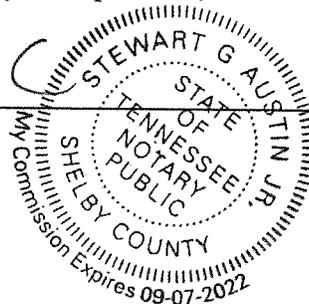
STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, the undersigned, a Notary Public of said County and State, personally appeared John Elliott, with whom I am personally acquainted, and who, upon oath, acknowledged him self to be the Executive Bd. Ch. of THIRD CHURCH OF CHRIST, SCIENTIST, MEMPHIS, TENNESSEE, a Tennessee not for profit corporation, the within named bargainor, and that he as such Exec. Bd. Chair, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as Executive Bd Chair.

Witness my hand and seal, at Office, as of the 23rd day of September, 2020.

Stewart G. Austin Jr.
Notary Public

My Commission Expires: _____

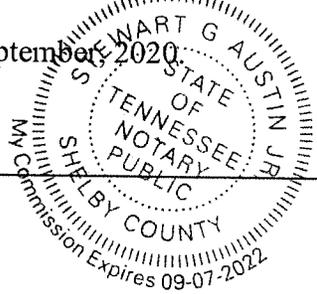


STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, the undersigned, a Notary Public of said County and State, personally appeared Margaret W. Gruber, with whom I am personally acquainted, and who, upon oath, acknowledged her self to be the Vice-Chair of THIRD CHURCH OF CHRIST, SCIENTIST, MEMPHIS, TENNESSEE, a Tennessee not for profit corporation, the within named bargainor, and that she as such Vice Chair, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by her self as Vice-Chair.

Witness my hand and seal, at Office, as of the 23rd day of September, 2020.

[Signature]
Notary Public



My Commission Expires: _____

I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$3,300,000.00.

[Signature]
Affiant

Subscribed and sworn to before me this the 24 day of September, 2020.

[Signature]
Notary Public

My Commission Expires: _____

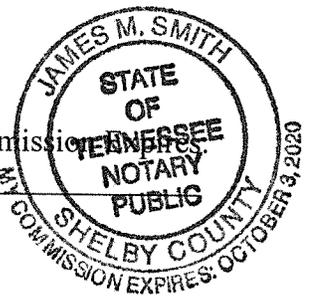


EXHIBIT A

Land situated in Shelby County, Tennessee:

Parcel 1:

Parts of Lots 32, 33, 34, 37 and 38 of Buntyn Highlands Subdivision, being more particularly described as follows:

Beginning at the intersection of the south line of Central Avenue and the east line of Highland Street, as widened; thence southwardly along the east line of Highland Street 230 feet; thence eastwardly parallel with the south line of Central Avenue 390 feet; thence northwardly parallel with the east line of Highland Street 230 feet to the south line of Central Avenue; thence westwardly along the south line of Central Avenue 390 feet to the point of beginning.

Parcel 2:

Parts of Lots 37 and 38, Buntyn Highlands Subdivision (Unrecorded), being more particularly described as follows:

BEGINNING at a point in the south line of Lot 38 of said Subdivision, 350 feet east of the east line of Highland Avenue (as widened), said point of beginning being the southwest corner of the tract of land conveyed to Aetna K. Chandler by the grantors herein by Warranty Deed recorded in Book 1682, Page 284 in the Register's Office, Shelby County, Tennessee; thence westwardly along the south line of Lots 38 and 37 of said Subdivision, 100 feet to a point; thence northwardly and parallel with the west line of the said Aetna K. Chandler tract, 237.84 feet to a point in the south line of the tract of land conveyed to the grantee herein by Warranty Deed recorded in Book 3139, Page 449 in said Register's Office; thence eastwardly along the south line of the last mentioned tract of land 100 feet to a northwest corner of said Aetna K. Chandler tract; thence southwardly along the west line of said Aetna K. Chandler tract 237.84 feet of the point of beginning.

EXHIBIT B

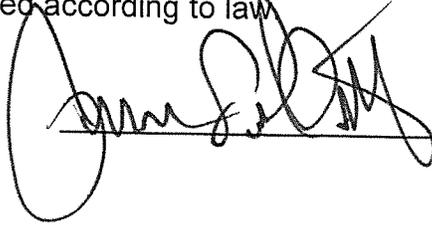
- 1) Easement(s) of record in the aforesaid Register's Office at Book 1620, Page 37 and Book 3687, Page 69. and as appears on
- 2) Location of underground telephone lines, cleanouts, backflow preventer, overhead electric lines, anchor guys and power poles, all as appear on survey prepared by Regis T. Storch, Jr., of Milestone Land Surveying, Inc., dated June 10, 2020, MLS Job No. 20112 (the "Survey").
- 3) Location of fences and brick walls inside and outside property lines, as appear on said Survey.

EXHIBIT C**(Quit Claimed Survey Description)**

Description of the Second Church of Christ, Scientist, of Memphis, Tennessee property of record in Book 3139, Page 449 and Book 3192, Page 531 in Memphis, Shelby County, Tennessee:

Beginning at a point in the south line of Central Avenue (80' R.O.W.), said point being the east end of a curve having a radius of 38.00 feet located 37.89 feet east of the tangent intersection of the south line of said Central Avenue and the east line of South Highland Street (80' R.O.W.); thence south 87 degrees 45 minutes 15 seconds east with the south line of said Central Avenue, 351.50 feet to a found iron axle in the west line of Lot 10, Chandler's Central Avenue Subdivision recorded in Plat Book 10, Page 24; thence in a southerly direction with the west line of said subdivision recorded in Plat Book 10, Page 24 the following calls: south 02 degrees 20 minutes 39 seconds west, 215.19 feet to the southeast corner of an existing 8" brick wall; north 87 degrees 45 minutes 15 seconds west, 40.00 feet to a found rebar; south 02 degrees 13 minutes 30 seconds west, 237.46 feet to a found rebar in the north line of the Highland Terrace Limited property recorded at Instrument No. X1-4859; thence; north 87 degrees 45 minutes 54 seconds west with the north line of said property recorded at Instrument No. X1-4859, 99.68 feet to a found rebar in the east line of the Highland Terrace Limited property recorded at Instrument No. X1-4863; thence north 02 degrees 13 minutes 55 seconds east with the east line of said property recorded at Instrument No. X1-4863, 237.55 feet to a set 1/2" rebar with plastic cap; thence north 87 degrees 43 minutes 36 seconds west with the north line of said property recorded at Instrument No. X1-4863, 250.00 feet to a set 1/2" rebar with plastic cap in the east line of the aforesaid South Highland Street; thence north 02 degrees 24 minutes 44 seconds east with the east line of said South Highland Street, 177.11 feet to a point of curvature; thence in a northeasterly direction along a curve to the right having a radius of 38.00 feet, delta angle of 89 degrees 50 minutes 01 seconds, chord = north 47 degrees 19 minutes 44 seconds east - 53.66 feet, an arc length of 59.58 feet to the Point of Beginning.

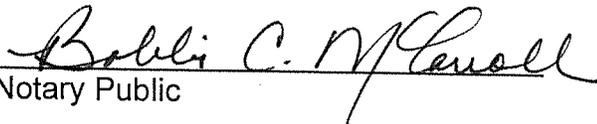
I, James M. Smith, Attorney, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed and authenticated according to law



A handwritten signature in black ink, appearing to read 'James M. Smith', is written over a solid horizontal line.

State of Tennessee
County of Shelby

Personally appeared before me, Bobbi C. McCarroll, a notary public for this county and state, James M. Smith, Attorney, who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.

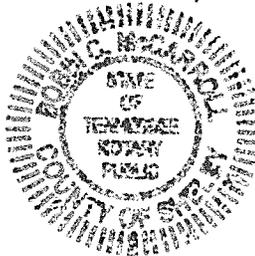


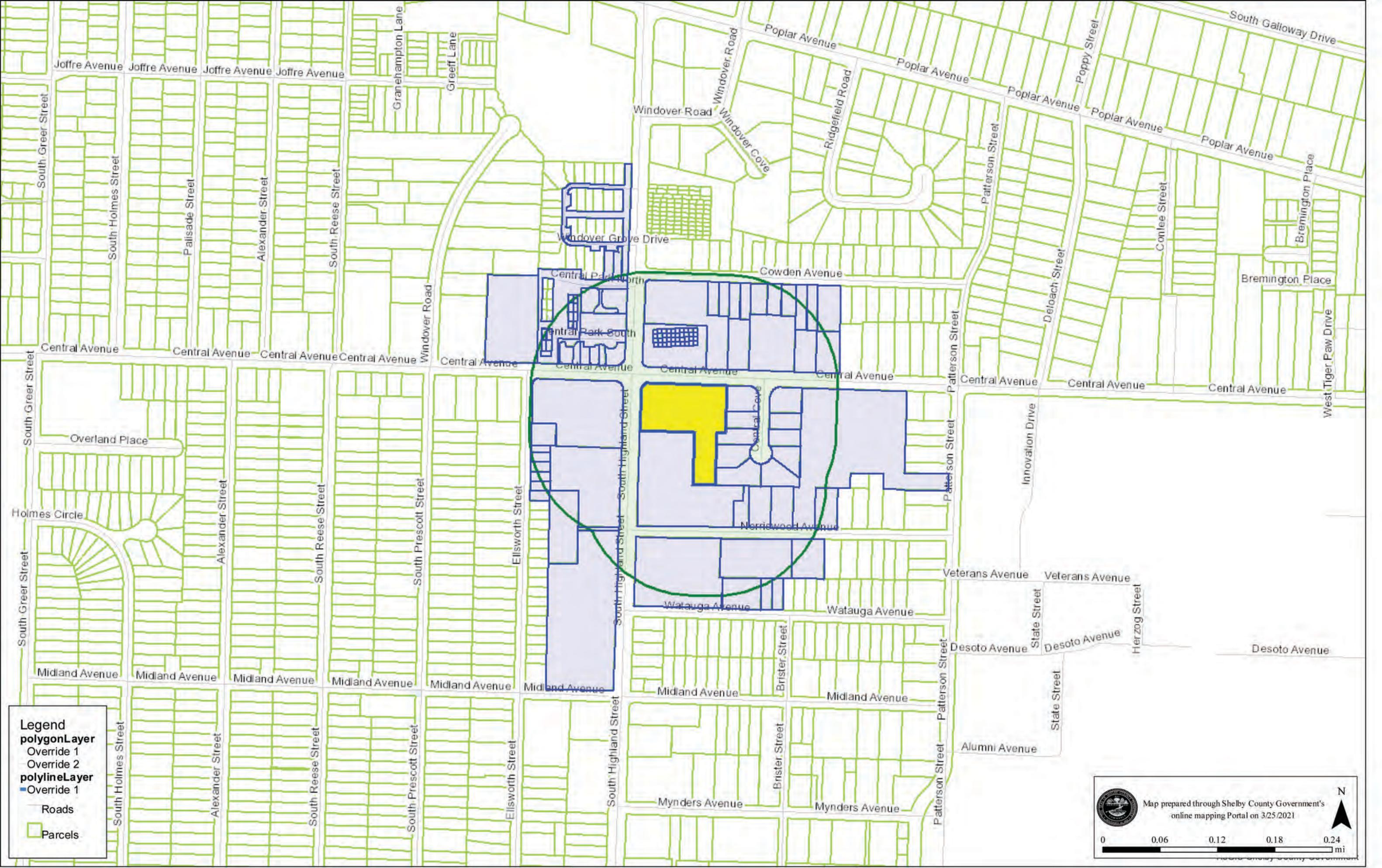
Notary Public

A handwritten signature in black ink, appearing to read 'Bobbi C. McCarroll', is written over a solid horizontal line. Below the line, the words 'Notary Public' are printed.

My Commission Expires:

OCT 16 2021





Legend

- polygonLayer
- Override 1
- Override 2
- polylineLayer
- Override 1
- Roads
- Parcels

Map prepared through Shelby County Government's online mapping Portal on 3/25/2021

N

0 0.06 0.12 0.18 0.24
 mi

045126 A00002 - ROWE LESA M & ROBERT K
045126 D00009C - TAYLOR RALPH REVOCABLE LIVING TRUST AND
045126 D00013 - CENTRAL PARK PL NORTH HOMEOWNERS ASSN
045126 D00011C - MILLER ANNE W
044056 00007 - MCCOID SCOTT
044056 00011 - ANDERSON ELLIOTT
045126 B00003 - CHONOLES MAC A
045126 D00008 - GILES GARY O & JENNIFER K
045126 E00009 - ROSS ROGER B AND LOWELL O WINSTON III
045126 E00010 - ROSS ROGER B AND LOWELL O WINSTON III
045126 D00007 - CENTRAL PARK PL SOUTH HOMEOWNERS ASSN
044056 00029 - BUCHNER C ANDREW AND MELISSA M BUCHNER
045126 D00006 - CRABTREE SUE H
046001 00042 - MADDEN JAMES N JR & ELIZABETH O
046001 00007 - HEEHS CHRISTOPHER J & MARY C
046001 00035 - MEM PARK 3 LLC
046002 00007C - BELL JOSH FAMILY LIMITED PARTNERSHIP
046002 00032C - TN MEMPHIS LAND 3 LLC
044056 00036C - GRAVES TERRY C
046001 00047C - HIGHLAND TERRACE LIMITED
044056 A00028 - DEAN PATRICK & MARY
044056 A00029 - BORAH SUMIT
044056 A00030 - NUNNERY FRED L & MARY J
044056 A00011 - WHITEHEAD DAVID E & LESLEY D
044056 A00012 - MORRIS PATRICK H

044056 A00013 - HAYS JAMES W III
044056 A00014 - HAJI SHOWKAT
044056 A00015 - GAMBLE WILLIAM B III & MELISSA CASH
044056 A00041 - LAURELS CONDOMINIUM OWNERS
045126 00025 - COUNCIL OF CO OWNERS OF CENTRAL PARK
045126 A00001 - PAZAR CHARLES E & JANICE P
044056 00003 - MINIMAX DESIGN LLC
044056 00004 - JMJL ENTERPRISES LLC
044056 00034 - ANDERSON PAUL B & ZOE A
044056 00035 - ANDERSON PAUL B AND ZOE ANDERSON
044056 00006 - STONEHOLLOW HOLDINGS II LLC
044056 00008 - PORTER RONNIE S & KATHERINE
044056 00009 - ISBELL JOHN M JR & LISA K
044056 00010 - MCCOID SCOTT & SARAH
045126 B00001 - THOMPSON JULIA A
045126 B00002 - ZAIDI SYED AND LARISSA BELYAK
045126 B00004 - BASEK JOHN & PAULA
045126 B00005 - CAI CAMELYTA & JINLIANG
045126 B00006 - RIDER DONALD R (99%) AND HALEY M RIDER
045126 B00007 - ROBISON RALPH M
045126 B00008 - JOHNSON ANNA M
044056 00031 - REARDON BENJAMIN R & JULIE
045126 E00011 - COX TIMOTHY A JR
045126 E00012 - GRESKO ADA AMD MICHAEL J GRESKO AND
044056 00028 - GOLWEN JOHN S & TAMMY P

045126 D00001 - HICKMAN PATRICIA W REVOCABLE TRUST

045126 D00002 - RHEA JULIA G & JOHN R

045126 D00003 - YOAKUM SUSAN D

045126 D00005 - SMART TERRY D

045126 D00004 - PATTERSON JAMIE J

045126 E00013 - JOHNSON REVOCABLE LIVING TRUST

045125 00001 - JUNIOR LEAGUE OF MEMPHIS

046001 00011 - SMITH STEPHEN F & PAMELA F

046001 00012C - UNIVERSITY OF TENNESSEE

046001 00003 - RILEY FRANCES M

046001 00010 - GREER THOMAS R & TIFFANEY J

045125 00021 - JUNIOR LEAGUE OF MEMPHIS

046001 00004 - HARWOOD EVAN R LIVING TRUST

046001 00009 - SCHMOLLER WANITA C

046001 00005 - READ KENNETH E & MARY C

046001 00008 - MUNN AARON W & LOUISA KRAMER

046001 00044 - MEM PARK 3 LLC

046001 00036 - MEM PARK 3 LLC

046001 00033 - BOARD OF REGENTS ETAL

046002 00001C - GMF-SERENITY TOWERS LLC

046002 00006C - TN MEMPHIS HOLDINGS LLC

046002 00031 - TN MEMPHIS HOLDINGS LLC

046002 00030 - PALISADE LLC

046001 00001C - SECOND CHURCH OF CHRIST

044056 00032C - ALPHA SOUTH HIGHLAND LLC

046001 00006 - KOEPEL FREDIC W AND LESLIE LUEBBERS (RS)
044056 A00031 - CHIZ MOLLY D
044056 A00032 - WHELESS JAMES W & ANNETTE C
044056 A00033 - SCOTT LUCINDA
044056 A00034 - SHARP GERALD C & MARY F
044056 A00035 - DRINAN DIANA E
044056 A00036 - LAUBSCHER ANDREAS & YIT C
044056 A00037 - KULHARYA ANITA S
044056 A00038 - RESIDUARY TRUST
044056 A00039 - HANSARD ALBERT L LIVING TRUST
044056 A00040 - DAVIS KYLIE
044056 A00021 - BOYD CORNELIUS D
044056 A00022 - CARTER APRIL D
044056 A00023 - PAGE JANE E
044056 A00024 - BAILEY ADRIENNE L
044056 A00025 - SELLERS CECIL G JR
044056 A00026 - KLOKER KEN & LYNN
044056 A00027 - MOORE FAMILY TRUST
044056 A00016 - BIGAM CAROL R AND ANNETTE DIVIRGILIO
044056 A00017 - HUBBERT CHARLES & MARGARET
044056 A00018 - MALONEY ANDREW M
044056 A00019 - TROUY MARY E AND KIMBERLY LEWIS (RS)
044056 A00020 - TAM JONATHAN P
044056 A00001 - RANDALL LEE A
044056 A00002 - SPENCE REGINALD

044056 A00003 - ASKEW BARBARA G
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044056 A00007 - MILNOR WALKER I & GREGG S
044056 A00008 - SHAPIRO MONICA P
044056 A00009 - JOHNSON EDWARD H JR & BETTY W
044056 A00010 - ABW REVOCABLE TRUST
045126 A00035 - WINDOVER GROVE HOMEOWNERS INC
045126 00008 - RIGGS HELEN T
045125 00029 - HIGHLAND ROW LLC
045125 00027 - HIGHLAND ROW LLC
045125 00026 - HIGHLAND ROW LLC
045125 00030 - MEMPHIS & SHELBY COUNTY COMMUNITY
045125 00048 - W & A INVESTMENTS GP
045125 00049 - W & A INVESTMENTS GP
045125 00050 - W & A INVESTMENTS GP
045125 00051 - W & A INVESTMENTS GP
045125 00052 - W & A INVESTMENTS GP
045125 00053 - W & A INVESTMENTS GP

ROWE LESA M & ROBERT K
265 WINDOVER GROVE DR
MEMPHIS TN 38111

TAYLOR RALPH REVOCABLE LIVING TRUST AND
427 CHERRY HALL PL
MEMPHIS TN 38117

CENTRAL PARK PL NORTH HOMEOWNERS ASSN
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3485 N CENTRAL PARK ST
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HEEHS CHRISTOPHER J & MARY C
348 CENTRAL CV
MEMPHIS TN 38111

MEM PARK 3 LLC
777 SUNRISE HWY #202
LYNBROOK NY 11563

BELL JOSH FAMILY LIMITED PARTNERSHIP
PO BOX 770207
MEMPHIS TN 38177

TN MEMPHIS LAND 3 LLC
548 CEDARWOOD DR
CEDARHURST NY 11516

GRAVES TERRY C
3564 CENTRAL AVE
MEMPHIS TN 38111

HIGHLAND TERRACE LIMITED
1615 APPLING RD
CORDOVA TN 38016

DEAN PATRICK & MARY
10401 GROSVENOR PL #1701
ROCKVILLE MD 20852

BORAH SUMIT
3520 CENTRAL AVE #309
MEMPHIS TN 38111

NUNNERY FRED L & MARY J
3520 CENTRAL AVE #310
MEMPHIS TN 38111

WHITEHEAD DAVID E & LESLEY D
3520 CENTRAL AVE #201
MEMPHIS TN 38111

MORRIS PATRICK H
3520 CENTRAL AVE #202
MEMPHIS TN 38111

HAYS JAMES W III
3520 CENTRAL AVE #203
MEMPHIS TN 38111

HAJI SHOWKAT
3520 CENTRAL AVE #204
MEMPHIS TN 38111

GAMBLE WILLIAM B III & MELISSA CASH
3520 CENTRAL AVE #205
MEMPHIS TN 38111

LAURELS CONDOMINIUM OWNERS
1010 JUNE RD
MEMPHIS TN 38119

COUNCIL OF CO OWNERS OF CENTRAL PARK
8582 KATY FWY #202
HOUSTON TX 77024

PAZAR CHARLES E & JANICE P
267 WINDOVER GROVE DR
MEMPHIS TN 38111

MINIMAX DESIGN LLC
PO BOX 38343
GERMANTOWN TN 38183

JMJL ENTERPRISES LLC
1385 CORPORATE AVE
MEMPHIS TN 38132

ANDERSON PAUL B & ZOE A
11989 CAMPBELL ST
ARLINGTON TN 38002

ANDERSON PAUL B AND ZOE ANDERSON
PO BOX 243
ARLINGTON TN 38002

STONEHOLLOW HOLDINGS II LLC
4111 GWYNNE RD
MEMPHIS TN 38117

PORTER RONNIE S & KATHERINE
1754 POPLAR ESTATES PKWY
GERMANTOWN TN 38138

ISELL JOHN M JR & LISA K
3577 COWDEN AVE
MEMPHIS TN 38111

MCCOID SCOTT & SARAH
10548 LATTING RD
CORDOVA TN 38016

THOMPSON JULIA A
280 W CENTRAL PARK ST #1
MEMPHIS TN 38111

ZAIDI SYED AND LARISSA BELYAK
4765 DYLAN VALLEY DR
BARTLETT TN 38135

BASEK JOHN & PAULA
1544 VINTON AVE
MEMPHIS TN 38104

CAI CAMELYTA & JINLIANG
284 W CENTRAL PARK ST #1
MEMPHIS TN 38111

RIDER DONALD R (99%) AND HALEY M RIDER
465 ASHLEY LN
BRIGHTON TN 38011

ROBISON RALPH M
284 W CENTRAL PARK ST ## 3
MEMPHIS TN 38111

JOHNSON ANNA M
284 W CENTRAL PARK ST #4
MEMPHIS TN 38111

REARDON BENJAMIN R & JULIE
3550 CENTRAL AVE
MEMPHIS TN 38111

COX TIMOTHY A JR
295 W CENTRAL PARK ST #3
MEMPHIS TN 38111

GRESKO ADA AMD MICHAEL J GRESKO AND
295 W CENTRAL PARK ST #4
MEMPHIS TN 38111

GOLWEN JOHN S & TAMMY P
3590 CENTRAL AVE
MEMPHIS TN 38111

HICKMAN PATRICIA W REVOCABLE TRUST
3472 CENTRAL PARK S
MEMPHIS TN 38111

RHEA JULIA G & JOHN R
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MEMPHIS TN 38111

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3478 CENTRAL AVE
MEMPHIS TN 38111

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MEMPHIS TN 38111

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3482 CENTRAL PARK S
MEMPHIS TN 38111

JOHNSON REVOCABLE LIVING TRUST
295 W CENTRAL PARK ST #5
MEMPHIS TN 38111

JUNIOR LEAGUE OF MEMPHIS
3475 CENTRAL AVE
MEMPHIS TN 38111

SMITH STEPHEN F & PAMELA F
3571 CENTRAL AVE
MEMPHIS TN 38111

UNIVERSITY OF TENNESSEE
3599 CENTRAL AVE
MEMPHIS TN 38111

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6256 POPLAR AVE
MEMPHIS TN 38119

JUNIOR LEAGUE OF MEMPHIS
3475 CENTRAL AVE
MEMPHIS TN 38111

HARWOOD EVAN R LIVING TRUST
335 CENTRAL CV
MEMPHIS TN 38111

SCHMOLLER WANITA C
336 CENTRAL CV
MEMPHIS TN 38111

READ KENNETH E & MARY C
343 CENTRAL CV
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777 SUNRISE HWY #202
LYNBROOK NY 11563

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LYNBROOK NY 11563

BOARD OF REGENTS ETAL
170 N MAIN ST
MEMPHIS TN 38103

GMF-SERENITY TOWERS LLC
65 GERMANTOWN CT #409
CORDOVA TN 38018

TN MEMPHIS HOLDINGS LLC
548 CEDARWOOD DR
CEDARHURST NY 11516

TN MEMPHIS HOLDINGS LLC
548 CEDARWOOD DR
CEDARHURST NY 11516

PALISADE LLC
PO BOX 17005
MEMPHIS TN 38187

SECOND CHURCH OF CHRIST
3535 CENTRAL AVE
MEMPHIS TN 38111

ALPHA SOUTH HIGHLAND LLC
44 ABELE RD #301
BRIDGEVILLE PA 15017

KOEPEL FREDIC W AND LESLIE LUEBBERS (RS
519 S GOODLETT
MEMPHIS TN 38117

CHIZ MOLLY D
P O BOX 657
BELZONI MS 39038

WHELESS JAMES W & ANNETTE C
7355 SPLINTER OAK CV
GERMANTOWN TN 38138

SCOTT LUCINDA
3520 CENTRAL AVE #403
MEMPHIS TN 38111

SHARP GERALD C & MARY F
3520 CENTRAL AVE ##404
MEMPHIS TN 38111

DRINAN DIANA E
3520 CENTRAL AVE #405
MEMPHIS TN 38111

LAUBSCHER ANDREAS & YIT C
3520 CENTRAL AVE #406
MEMPHIS TN 38111

KULHARYA ANITA S
3520 CENTRAL AVE #407
MEMPHIS TN 38111

RESIDUARY TRUST
2212 KIRBY RD
MEMPHIS TN 38119

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4385 POPLAR AVE
MEMPHIS TN 38117

DAVIS KYLIE
3520 CENTRAL AVE #410
MEMPHIS TN 38111

BOYD CORNELIUS D
3520 CENTRAL AVE #301
MEMPHIS TN 38111

CARTER APRIL D
3520 CENTRAL AVE #302
MEMPHIS TN 38111

PAGE JANE E
3520 CENTRAL AVE #303
MEMPHIS TN 38111

BAILEY ADRIENNE L
765 W POPLAR AVE
COLLIERVILLE TN 38017

SELLERS CECIL G JR
3520 CENTRAL AVE #305
MEMPHIS TN 38111

KLOKER KEN & LYNN
3520 CENTRAL AVE #306
MEMPHIS TN 38111

MOORE FAMILY TRUST
3520 CENTRAL AVE #307
MEMPHIS TN 38111

BIGAM CAROL R AND ANNETTE DIVIRGILIO
3520 CENTRAL AVE ##206
MEMPHIS TN 38111

HUBBERT CHARLES & MARGARET
3520 CENTRAL AVE ##207
MEMPHIS TN 38111

MALONEY ANDREW M
3520 CENTRAL AVE #200
MEMPHIS TN 38111

TROUY MARY E AND KIMBERLY LEWIS (RS)
3520 CENTRAL AVE #209
MEMPHIS TN 38111

TAM JONATHAN P
3520 CENTRAL AVE #210
MEMPHIS TN 38111

RANDALL LEE A
717 S RIVERSIDE DR #1601
MEMPHIS TN 38103

SPENCE REGINALD
311 S POPPLETON ST
BALTIMORE MD 21230

ASKEW BARBARA G
3520 CENTRAL AVE #103
MEMPHIS TN 38111

TUTOR R DEAN SR & ALEITA U
3520 CENTRAL AVE #104
MEMPHIS TN 38111

BRAND PETER J
3520 CENTRAL AVE #105
MEMPHIS TN 38111

BAUER PAUL & MARY B
3520 CENTRAL AVE #106
MEMPHIS TN 38111

MILNOR WALKER I & GREGG S
3520 CENTRAL AVE #107
MEMPHIS TN 38111

SHAPIRO MONICA P
3520 CENTRAL AVE #108
MEMPHIS TN 38111

JOHNSON EDWARD H JR & BETTY W
3520 CENTRAL AVE #109
MEMPHIS TN 38111

ABW REVOCABLE TRUST
2896 NATCHEZ LN
MEMPHIS TN 38111

WINDOVER GROVE HOMEOWNERS INC
2195 S GERMANTOWN RD
GERMANTOWN TN 38138

RIGGS HELEN T
3438 CENTRAL AVE
MEMPHIS TN 38111

HIGHLAND ROW LLC
460 VIRGINIA AVE
INDIANAPOLIS IN 46203

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460 VIRGINIA AVE
INDIANAPOLIS IN 46203

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460 VIRGINIA AVE
INDIANAPOLIS IN 46203

MEMPHIS & SHELBY COUNTY COMMUNITY
125 N MAIN ST #468
MEMPHIS TN 38103

W & A INVESTMENTS GP
526 THORN RIDGE CV
MEMPHIS TN 38117

W & A INVESTMENTS GP
526 THORN RIDGE CV
MEMPHIS TN 38117

W & A INVESTMENTS GP
526 THORN RIDGE BLVD
MEMPHIS TN 38117

W & A INVESTMENTS GP
526 THORN RIDGE CV
MEMPHIS TN 38117

W & A INVESTMENTS GP
526 THORN RIDGE CV
MEMPHIS TN 38117

W & A INVESTMENTS GP
526 THORN RIDGE CV
MEMPHIS TN 38117

BOBALU, LLC
322 S HIGHLAND ST
MEMPHIS TN 38117

FLEMING ASSOC. ARCH, P.C. C/O SCOTT FLEMING
5101 WHEELIS DR. #215
MEMPHIS TN 38117

KIMLEY-HORN C/O MIKE HAMMOND
6750 POPLAR AVE. #600
MEMPHIS TN 38116

DEDRICK BRITTENUM
3385 AIRWAYS BLVD. 3 229
MEMPHIS TN 38139

INTEGRATED LAND SOLUTIONS, PLLC
9967 BENTWOOD CREEK CV.
COLLIERVILLE TN 38017

OUTLINE PLAN CONDITIONS

35 CENTRAL

Frontage Designations:

- A. Central Avenue: Urban
- B. S. Highland Street: Shopfront

Exceptions Identified:

1. Exception: Ground floor commercial.
UDC §8.3.6A(3): Ground floor commercial use or public space shall be required along public street frontages of parking garages. *(None as planned)*
2. Exception: Building Height.
UDC §8.3.7: Maximum 55'/4-story (Highland) & 35'/3-story (Adjoining SF/East)
(85'/7-story & 60'/6-story as planned)
3. Exception: Transparency Requirements
UDC §8.3.6D: 50% Ground floor transparency requirement along Urban frontage. *(35% as planned)*
4. Exception: Building Widths
UDC §8.3.6D: 75' Max Shopfront frontage designation & 100' Max Urban frontage designation.
(Continuous linear planes as planned)
5. Exception: Required Buffers
 - a. UDC §4.6.5C: Minimum 7-wide with wall, Class III buffer adjoining R-6 SF residential
(A partial reduction is requested. Refer to IV.D)
 - b. UDC §4.6.5C: Minimum 7-wide with wall, Class II buffer adjoining RU-3 residential
(An alternative is proposed. Refer to IV.E)

Questionable Items:

1. UDC §4.4.7 Clear Site Triangles?
2. Any additional dedication/easement for existing traffic light?

I. USES PERMITTED

A. AREA A:

1. Overnight Lodging/Hotel (115 Hotel rooms permitted)
2. Restaurant and Restaurant with sales of alcoholic beverages, Brew Pub

B. AREA B:

1. Levels 1-2: Structured Parking
2. Level 3: Office Uses (35,000sf permitted)
3. Level 4-6: Multi-Family/Apartment Residential (75 units/90 beds).

C. Accessory Uses shall be permitted in accordance with UDC §2.9.

II. BULK REGULATIONS

A. The Building Envelope Standards for the University District Overlay UDC §8.3.6D through §8.3.8 shall apply. Where provisions of these conditions are in conflict with the above referenced ordinance, these provisions apply.

B. Building Setbacks:

1. Front:
 1. Central Avenue: 7-feet
 2. Highland Street: 9-feet
2. Side (East): 35-feet
3. Rear (South): *None
(5-foot min. separation is required between detached buildings on separate lots)

C. Maximum Building Heights:

1. Building A: 7 Stories, 85-feet
2. Building B: 6 Stories, 60-feet

III. ACCESS, PARKING AND CIRCULATION

A. Permit one (1) point of vehicular access along Central Avenue in the general location illustrated on the Outline Plan/Final Plat.

B. Permit one (1) point of vehicular access along Highland Street in the general location illustrated on the Outline Plan/Final Plat.

C. The design and location of curb cuts to be approved by the City Engineer.

D. All internal drives shall be private, owned and maintained by a property owner's association.

E. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader, etc.

F. Clear sight triangles: No sight obstruction may be within the area to be kept clear. A sight obstruction is considered any object whose height is greater than three feet (3') above the

grade of the respective center lines of the intersecting street, driveway, or vehicle access easement or tract.

G. Off Street Parking:

1. A maximum 280 structured and/or surface parking spaces shall be provided as accessory parking as generally illustrated on the Outline Plan/Final Plat.
2. Shared parking shall be allowed for all permitted uses.
3. Off street parking spaces shall conform §4.5 of the M/SC Unified Development.
4. Off-street parking shall be accessible for public use.
5. 10 bicycle parking spaces shall be provided in accordance with UDC §4.5.3C. The location shall be illustrated on the Outline Plan/Final Plat.
6. In accordance with UDC §8.3.10E(1), EXCLUDING residential buildings, any building, structure, or use is exempt from the off-street parking spaces for motor vehicles and loading requirements of Chapter 4.5 of the M/SC Unified Development Code.
7. All residential buildings, structures or uses shall provide a minimum number of off-street, on-site parking spaces equal to 0.5 spaces per bedroom contained in the building, structure or use.

IV. LANDSCAPING and SCREENING REQUIREMENTS

- A. The landscape and screening specifications outlined in §4.6 of the M/SC Unified Development Code shall apply as modified.
- B. Streetscape Plate S-1 Modified shall be required along Central Avenue and Highland Street.
- C. A 7-foot wide Class III Buffer shall be required where the subject property adjoins adjacent R-6 zoning district designation unless otherwise specified. Refer to Class III Buffer Plate.
- D. The Class III Buffer may be reduced to 5-foot along the north boundary of Lot 8 of Chandler's Central Avenue Subdivision.
- E. A minimum 5-foot wide landscape buffer shall be required where the subject property adjoins adjacent RU-3 zoning district designation. No landscape buffer shall be required where the building extends to the property line. Refer to 5-foot Landscape Buffer Plate.
- F. Dumpsters and similar kinds of trash containers shall be full enclosed by opaque walls, at least eight (8) feet in height with self-closing access doors and shall be constructed of materials and methods similar to that of the building.

V. LIGHTING REQUIREMENTS

All outdoor site lighting shall comply with §4.7 of the M/SC Unified Development Code.

VI. SIGNS

- A. Signs shall be permitted in accordance with the CMU-2 district regulations.
- B. Detached signs shall be limited to way finding, i.e. entry and exit.
- C. Canopy, marquee, or blade style signs may be permitted subject to the approval of DPD.
- D. Roof mounted signs shall be prohibited.

VII. DRAINAGE

- A. A Stormwater Detention Waiver is granted for the subject property.
- B. All drainage plans shall be submitted to the City Engineer for review and approval.
- C. The developer is required under 40CFR 122.26(b)(14) and TCA 69-3-101 et. Seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

VIII. MISCELLANEOUS

- A. The Land Use Control Board may modify the building and parking placement, building elements streetscapes and landscaping, site development standards, signs, outdoor site lighting and public improvements if equivalent alternatives are presented. Any adjacent property owner who is dissatisfied with the modifications approve by the Land Use Control Board may within ten (10) days of such action, file a written appeal to the Director of the Office of Planning and Development to have such action reviewed by the Memphis City Council.
- B. All common areas shall be owned and maintained by the property owners association recorded in the Shelby County Register Office.

VIII. PERIOD OF VALIDITY

- A. The Outline Plan/Final Plat period of validity shall be governed by Section 9.6.14 of the Unified Development Code.
- B. Time extensions. Where applicable, an application for a time extension may be filed as a Major Modification subject to Paragraph 9.6.11E(2). An application for a time extension shall be filed prior to the date of expiration and shall be subject to the provisions of Chapter 9.16.



MEMPHIS AND SHELBY COUNTY

Record Summary for Planned Development

Record Detail Information

Record Type: **Planned Development**

Record Status: **Assignment**

Opened Date: **June 3, 2021**

Record Number: **PD 2021-020**

Expiration Date:

Record Name: **3535 Central Ave**

Description of Work: -

Parent Record Number:

Address: 3535 CENTRAL AVE, MEMPHIS 38111

Owner Information

Primary	Owner Name	Owner Address	Owner Phone
Yes	BOBALU LLC	322 S HOLLYWOOD ST, MEMPHIS, TN 38117	

Parcel Information

Parcel No:
046001 00001C

Contact Information

Name	Organization Name	Contact Type	Phone
Bob Berry		Applicant	(901) 529-0844

Suffix:
Address

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed	Unit	Fee Code
1301671	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	06/03/2021	Acres	PLNGPUD01

Total Fee Invoiced: \$1,500.00

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$1,500.00	Check

Data Fields

PREAPPLICATION MEETING

Preapplication Meeting	No
Date of Meeting	-
Name of OPD Planner	-

GENERAL PROJECT INFORMATION

Planned Development Type	New
Previous Case Numbers	-
Description and Justification for Request	see attached pdf
Medical Overlay / Uptown	No
Is this application in response to a citation from Construction Code Enforcement or Zoning Letter?	No
If yes, please provide additional information	-

APPROVAL CRITERIA

The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County. (UDC Sub-Section 4.10.3A) see attached pdf

An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development. (UDC Sub-Section 4.10.3B) see attached pdf

The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses(see UDC Sub-Section 4.10.3C) see attached pdf

Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest. (UDC Sub-Section 4.10.3D) see attached pdf

Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements. (UDC Sub-Section 4.10.3E) -

Lots of records are created with the recording of a planned development final plan. (UDC Sub-Section 4.10.3F) -

GIS INFORMATION

Case Layer	BOA1984-174
Central Business Improvement District	No
Class	R
Downtown Fire District	No
Historic District	-
Land Use	SINGLE-FAMILY
Municipality	MEMPHIS
Overlay/Special Purpose District	University District Overlay
Zoning	R-6
State Route	-
Lot	-
Subdivision	-
Planned Development District	-

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777 SUNRISE HWY #202
LYNBROOK NY 11563

BELL JOSH FAMILY LIMITED PARTNERSHIP
PO BOX 770207
MEMPHIS TN 38177

TN MEMPHIS LAND 3 LLC
548 CEDARWOOD DR
CEDARHURST NY 11516

GRAVES TERRY C
3564 CENTRAL AVE
MEMPHIS TN 38111

HIGHLAND TERRACE LIMITED
1615 APPLING RD
CORDOVA TN 38016

DEAN PATRICK & MARY
10401 GROSVENOR PL #1701
ROCKVILLE MD 20852

BORAH SUMIT
3520 CENTRAL AVE #309
MEMPHIS TN 38111

NUNNERY FRED L & MARY J
3520 CENTRAL AVE #310
MEMPHIS TN 38111

WHITEHEAD DAVID E & LESLEY D
3520 CENTRAL AVE #201
MEMPHIS TN 38111

MORRIS PATRICK H
3520 CENTRAL AVE #202
MEMPHIS TN 38111

HAYS JAMES W III
3520 CENTRAL AVE #203
MEMPHIS TN 38111

HAJI SHOWKAT
3520 CENTRAL AVE #204
MEMPHIS TN 38111

GAMBLE WILLIAM B III & MELISSA CASH
3520 CENTRAL AVE #205
MEMPHIS TN 38111

LAURELS CONDOMINIUM OWNERS
1010 JUNE RD
MEMPHIS TN 38119

COUNCIL OF CO OWNERS OF CENTRAL PARK
8582 KATY FWY #202
HOUSTON TX 77024

PAZAR CHARLES E & JANICE P
267 WINDOVER GROVE DR
MEMPHIS TN 38111

MINIMAX DESIGN LLC
PO BOX 38343
GERMANTOWN TN 38183

JMJL ENTERPRISES LLC
1385 CORPORATE AVE
MEMPHIS TN 38132

ANDERSON PAUL B & ZOE A
11989 CAMPBELL ST
ARLINGTON TN 38002

ANDERSON PAUL B AND ZOE ANDERSON
PO BOX 243
ARLINGTON TN 38002

STONEHOLLOW HOLDINGS II LLC
4111 GWYNNE RD
MEMPHIS TN 38117

PORTER RONNIE S & KATHERINE
1754 POPLAR ESTATES PKWY
GERMANTOWN TN 38138

ISELL JOHN M JR & LISA K
3577 COWDEN AVE
MEMPHIS TN 38111

MCCOID SCOTT & SARAH
10548 LATTING RD
CORDOVA TN 38016

THOMPSON JULIA A
280 W CENTRAL PARK ST #1
MEMPHIS TN 38111

ZAIDI SYED AND LARISSA BELYAK
4765 DYLAN VALLEY DR
BARTLETT TN 38135

BASEK JOHN & PAULA
1544 VINTON AVE
MEMPHIS TN 38104

CAI CAMELYTA & JINLIANG
284 W CENTRAL PARK ST #1
MEMPHIS TN 38111

RIDER DONALD R (99%) AND HALEY M RIDER
465 ASHLEY LN
BRIGHTON TN 38011

ROBISON RALPH M
284 W CENTRAL PARK ST ## 3
MEMPHIS TN 38111

JOHNSON ANNA M
284 W CENTRAL PARK ST #4
MEMPHIS TN 38111

REARDON BENJAMIN R & JULIE
3550 CENTRAL AVE
MEMPHIS TN 38111

COX TIMOTHY A JR
295 W CENTRAL PARK ST #3
MEMPHIS TN 38111

GRESKO ADA AMD MICHAEL J GRESKO AND
295 W CENTRAL PARK ST #4
MEMPHIS TN 38111

GOLWEN JOHN S & TAMMY P
3590 CENTRAL AVE
MEMPHIS TN 38111

HICKMAN PATRICIA W REVOCABLE TRUST
3472 CENTRAL PARK S
MEMPHIS TN 38111

RHEA JULIA G & JOHN R
3474 CENTRAL AVE
MEMPHIS TN 38111

YOAKUM SUSAN D
3478 CENTRAL AVE
MEMPHIS TN 38111

SMART TERRY D
3484 CENTRAL AVE
MEMPHIS TN 38111

PATTERSON JAMIE J
3482 CENTRAL PARK S
MEMPHIS TN 38111

JOHNSON REVOCABLE LIVING TRUST
295 W CENTRAL PARK ST #5
MEMPHIS TN 38111

JUNIOR LEAGUE OF MEMPHIS
3475 CENTRAL AVE
MEMPHIS TN 38111

SMITH STEPHEN F & PAMELA F
3571 CENTRAL AVE
MEMPHIS TN 38111

UNIVERSITY OF TENNESSEE
3599 CENTRAL AVE
MEMPHIS TN 38111

RILEY FRANCES M
327 CENTRAL CV
MEMPHIS TN 38111

GREER THOMAS R & TIFFANEY J
6256 POPLAR AVE
MEMPHIS TN 38119

JUNIOR LEAGUE OF MEMPHIS
3475 CENTRAL AVE
MEMPHIS TN 38111

HARWOOD EVAN R LIVING TRUST
335 CENTRAL CV
MEMPHIS TN 38111

SCHMOLLER WANITA C
336 CENTRAL CV
MEMPHIS TN 38111

READ KENNETH E & MARY C
343 CENTRAL CV
MEMPHIS TN 38111

MUNN AARON W & LOUISA KRAMER
342 CENTRAL CV
MEMPHIS TN 38111

MEM PARK 3 LLC
777 SUNRISE HWY #202
LYNBROOK NY 11563

MEM PARK 3 LLC
777 SUNRISE HWY #202
LYNBROOK NY 11563

BOARD OF REGENTS ETAL
170 N MAIN ST
MEMPHIS TN 38103

GMF-SERENITY TOWERS LLC
65 GERMANTOWN CT #409
CORDOVA TN 38018

TN MEMPHIS HOLDINGS LLC
548 CEDARWOOD DR
CEDARHURST NY 11516

TN MEMPHIS HOLDINGS LLC
548 CEDARWOOD DR
CEDARHURST NY 11516

PALISADE LLC
PO BOX 17005
MEMPHIS TN 38187

SECOND CHURCH OF CHRIST
3535 CENTRAL AVE
MEMPHIS TN 38111

ALPHA SOUTH HIGHLAND LLC
44 ABELE RD #301
BRIDGEVILLE PA 15017

KOEPEL FREDIC W AND LESLIE LUEBBERS (RS
519 S GOODLETT
MEMPHIS TN 38117

CHIZ MOLLY D
P O BOX 657
BELZONI MS 39038

WHELESS JAMES W & ANNETTE C
7355 SPLINTER OAK CV
GERMANTOWN TN 38138

SCOTT LUCINDA
3520 CENTRAL AVE #403
MEMPHIS TN 38111

SHARP GERALD C & MARY F
3520 CENTRAL AVE ###404
MEMPHIS TN 38111

DRINAN DIANA E
3520 CENTRAL AVE #405
MEMPHIS TN 38111

LAUBSCHER ANDREAS & YIT C
3520 CENTRAL AVE #406
MEMPHIS TN 38111

KULHARYA ANITA S
3520 CENTRAL AVE #407
MEMPHIS TN 38111

RESIDUARY TRUST
2212 KIRBY RD
MEMPHIS TN 38119

HANSARD ALBERT L LIVING TRUST
4385 POPLAR AVE
MEMPHIS TN 38117

DAVIS KYLIE
3520 CENTRAL AVE #410
MEMPHIS TN 38111

BOYD CORNELIUS D
3520 CENTRAL AVE #301
MEMPHIS TN 38111

CARTER APRIL D
3520 CENTRAL AVE #302
MEMPHIS TN 38111

PAGE JANE E
3520 CENTRAL AVE #303
MEMPHIS TN 38111

BAILEY ADRIENNE L
765 W POPLAR AVE
COLLIERVILLE TN 38017

SELLERS CECIL G JR
3520 CENTRAL AVE #305
MEMPHIS TN 38111

KLOKER KEN & LYNN
3520 CENTRAL AVE #306
MEMPHIS TN 38111

MOORE FAMILY TRUST
3520 CENTRAL AVE #307
MEMPHIS TN 38111

BIGAM CAROL R AND ANNETTE DIVIRGILIO
3520 CENTRAL AVE ##206
MEMPHIS TN 38111

HUBBERT CHARLES & MARGARET
3520 CENTRAL AVE ##207
MEMPHIS TN 38111

MALONEY ANDREW M
3520 CENTRAL AVE #200
MEMPHIS TN 38111

TROUY MARY E AND KIMBERLY LEWIS (RS)
3520 CENTRAL AVE #209
MEMPHIS TN 38111

TAM JONATHAN P
3520 CENTRAL AVE #210
MEMPHIS TN 38111

RANDALL LEE A
717 S RIVERSIDE DR #1601
MEMPHIS TN 38103

SPENCE REGINALD
311 S POPPLETON ST
BALTIMORE MD 21230

ASKEW BARBARA G
3520 CENTRAL AVE #103
MEMPHIS TN 38111

TUTOR R DEAN SR & ALEITA U
3520 CENTRAL AVE #104
MEMPHIS TN 38111

BRAND PETER J
3520 CENTRAL AVE #105
MEMPHIS TN 38111

BAUER PAUL & MARY B
3520 CENTRAL AVE #106
MEMPHIS TN 38111

MILNOR WALKER I & GREGG S
3520 CENTRAL AVE #107
MEMPHIS TN 38111

SHAPIRO MONICA P
3520 CENTRAL AVE #108
MEMPHIS TN 38111

JOHNSON EDWARD H JR & BETTY W
3520 CENTRAL AVE #109
MEMPHIS TN 38111

ABW REVOCABLE TRUST
2896 NATCHEZ LN
MEMPHIS TN 38111

WINDOVER GROVE HOMEOWNERS INC
2195 S GERMANTOWN RD
GERMANTOWN TN 38138

RIGGS HELEN T
3438 CENTRAL AVE
MEMPHIS TN 38111

HIGHLAND ROW LLC
460 VIRGINIA AVE
INDIANAPOLIS IN 46203

HIGHLAND ROW LLC
460 VIRGINIA AVE
INDIANAPOLIS IN 46203

HIGHLAND ROW LLC
460 VIRGINIA AVE
INDIANAPOLIS IN 46203

MEMPHIS & SHELBY COUNTY COMMUNITY
125 N MAIN ST #468
MEMPHIS TN 38103

W & A INVESTMENTS GP
526 THORN RIDGE CV
MEMPHIS TN 38117

W & A INVESTMENTS GP
526 THORN RIDGE CV
MEMPHIS TN 38117

W & A INVESTMENTS GP
526 THORN RIDGE BLVD
MEMPHIS TN 38117

W & A INVESTMENTS GP
526 THORN RIDGE CV
MEMPHIS TN 38117

W & A INVESTMENTS GP
526 THORN RIDGE CV
MEMPHIS TN 38117

W & A INVESTMENTS GP
526 THORN RIDGE CV
MEMPHIS TN 38117

BOBALU, LLC
322 S HIGHLAND ST
MEMPHIS TN 38117

FLEMING ASSOC. ARCH, P.C. C/O SCOTT FLEMING
5101 WHEELIS DR. #215
MEMPHIS TN 38117

KIMLEY-HORN C/O MIKE HAMMOND
6750 POPLAR AVE. #600
MEMPHIS TN 38116

DEDRICK BRITTENUM
3385 AIRWAYS BLVD. 3 229
MEMPHIS TN 38139

INTEGRATED LAND SOLUTIONS, PLLC
9967 BENTWOOD CREEK CV.
COLLIERVILLE TN 38017

**NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT
TO THE ZONING MAP OF THE CITY OF MEMPHIS**

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Memphis in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee 38103 on Tuesday, _____ at 3:30 P.M., in the matter of amending the Zoning Map of the City of Memphis, being Chapter 28, Article IV of the Code of Ordinances, City of Memphis, Tennessee, as amended, as follows:

- CASE NUMBER:** PD 2021-20, Z 2021-05, and RC 2021-01
- LOCATION:** 3535 Central Avenue (southeast corner of Central and Highland)
- COUNCIL DISTRICTS:** District 5 and Super District 9 – Positions 1, 2, and 3
- OWNER/APPLICANT:** Bobalu, LLC – Bob Berry
- REPRESENTATIVE:** Dedrick Brittenum of Brittenum Law, PLLC
- EXISTING ZONING:** Residential Urban – 3 (RU-3), University District Overlay, and Residential Corridor Overlay
- REQUESTS:** PD 2021-20 – mixed use planned development
Z 2021-05 – rezoning to Residential Single-Family – 6 (R-6)
RC 2021-01 – residential corridor deletion
- AREA:** +/-2.46 acres

RECOMMENDATIONS:

Memphis and Shelby County Division of Planning and Development:

PD 2021-020 – Approval with conditions Z 2021-05 – Approval RC 2021-01 – Approval

Memphis and Shelby County Land Use Control Board:

PD 2021-020 – Approval with conditions Z 2021-05 – Approval RC 2021-01 – Approval

NOW, THEREFORE, you will take notice that on Tuesday, _____, at 3:30 P.M. the City Council of the City of Memphis, Tennessee will be in session at the City Hall, Council Chambers, 125 North Main Street, Memphis, Tennessee 38103 to hear remonstrance’s or protests against the making of such changes; such remonstrance’s or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

This case will also be heard at the Planning and Zoning Committee on the same day with the specific time to be determined prior to the meeting date and posted on the City of Memphis’ website.

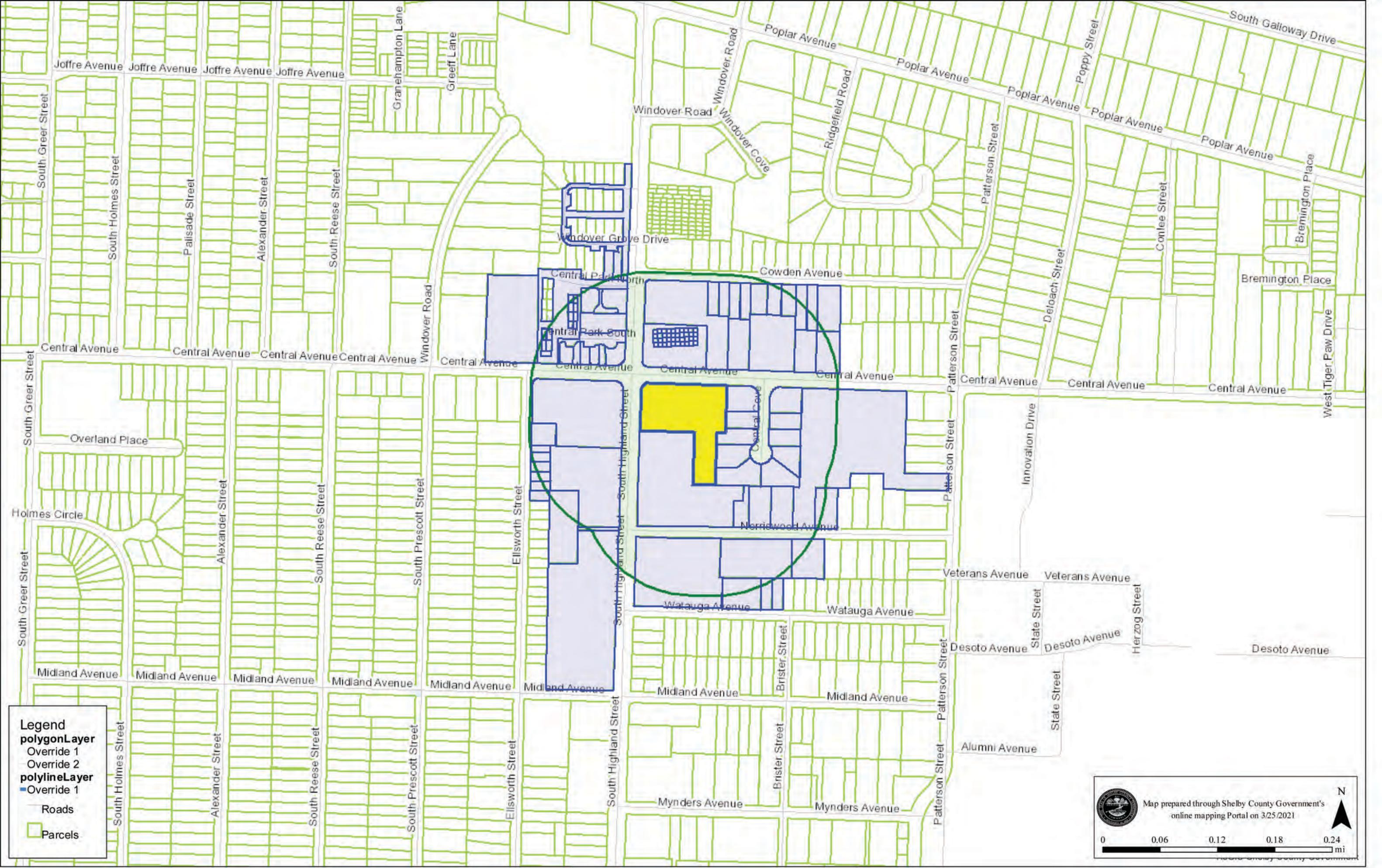
THIS THE _____, _____

FRANK COLVETT JR.
CHAIRMAN OF COUNCIL

ATTEST:

DYWUANA MORRIS
CITY COMPTROLLER

TO BE PUBLISHED:



Legend

- polygonLayer
- Override 1
- Override 2
- polylineLayer
- Override 1
- Roads
- ▭ Parcels


 Map prepared through Shelby County Government's online mapping Portal on 3/25/2021

0 0.06 0.12 0.18 0.24
 mi

N

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL |
ONLY STAPLED |
TO DOCUMENTS**

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: 08/03/2021
DATE
PUBLIC SESSION: 08/03/2021
DATE**

ITEM (CHECK ONE)

ORDINANCE CONDEMNATIONS GRANT ACCEPTANCE / AMENDMENT
 RESOLUTION GRANT APPLICATION REQUEST FOR PUBLIC HEARING
 OTHER: _____

ITEM DESCRIPTION: A resolution to upgrade an existing gas station that does not lie at the intersection of two collectors, one collector and one arterial street or two arterials.

CASE NUMBER: SUP 21-12

DEVELOPMENT: Gas Station

LOCATION: 3521 Lamar Avenue

COUNCIL DISTRICTS: District 4 and Super District 8

OWNER/APPLICANT: Aman Devji

REPRESENTATIVE: Neeraj Kumar

EXISTING ZONING: Employment (EMP)

REQUEST: To upgrade an existing gas station that does not lie at the intersection of two collectors, one collector and one arterial street or two arterials.

AREA: +/-1.095 acres

RECOMMENDATION: The Division of Planning and Development recommended *Approval with conditions*
The Land Use Control Board recommended *Approval with conditions*

RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**
Set hearing date for – August 3, 2021

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
07/08/2021 _____	DATE
(1) Land Use Control Board _____	ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) _____	REQUIRES CITY EXPENDITURE - (1) YES (2) NO
\$ _____	AMOUNT OF EXPENDITURE
\$ _____	REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

\$ _____	OPERATING BUDGET
\$ _____	CIP PROJECT # _____
\$ _____	FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
_____	_____	MUNICIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SUP 21-12

Resolution requesting to upgrade an existing gas station that does not lie at the intersection of two collectors, one collector and one arterial street or two arterials.

- This item is a resolution with conditions for a special use permit to allow the above; and
- The Division of Planning & Development at the request of the Owner(s)/Applicant(s): Aman Devji and Representative(s): Neeraj Kumar; and
- Approval of this special use permit will be reflected on the Memphis and Shelby County Zoning Atlas; and
- The item may require future public improvement contracts.

**RESOLUTION APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY
LOCATED AT 3521 LAMAR AVENUE, KNOWN AS CASE NUMBER SUP 21-12.**

WHEREAS, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a special use permit for certain stated purposes in the various zoning districts; and

WHEREAS, Aman Devji filed an application with the Memphis and Shelby County Office of Planning and Development to allow the upgrading of a gas station that does not reside at the intersection of two collectors, one collector and one arterial street, or two arterials; and

WHEREAS, the Division of Planning and Development has received and reviewed the application in accordance with procedures, objectives, and standards for special use permits as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and that the design and amenities are consistent with the public interest; and has submitted its findings and recommendation concerning the above considerations to the Land Use Control Board; and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on July 8, 2021, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned application pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said development is consistent with the Memphis 3.0 General Plan; and

WHEREAS, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and has determined that said development meets the objectives, standards and criteria for a special use permit, and said development is consistent with the public interests.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a special use permit is hereby granted for the request use in accordance with the attached conditions.

BE IT FURTHER RESOLVED, that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed by the Council of the City of Memphis have been met.

BE IT FURTHER RESOLVED, This resolution exempts this property from the gas station moratorium approved by the Council of the City of Memphis on March 16, 2021.

ATTEST:

**CC: Division of Planning and Development
– Land Use and Development Services
– Office of Construction Enforcement**

CONDITIONS

1. No window signage is permitted on the front façade
2. Landscape screening is required around the rear utility units and dumpster
3. Roof-mounted mechanical equipment shall be shielded from view on all sides. Screening shall consist of materials consistent with the primary building materials, and may include metal screening or louvers which are painted to blend with the primary structure.
4. EIFS shall comprise no more than ten percent (10%) of any building's exterior finish.
5. The City Engineer shall approve the design, number and location of curb cuts through the curb cut permit process.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, July 8, 2021**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: SUP 21-12
LOCATION: 3521 Lamar Avenue
COUNCIL DISTRICT: District 4 and Super District 8
OWNER/APPLICANT: Aman Devji
REPRESENTATIVE: Neeraj Kumar
REQUEST: Upgrading an existing gas station that does not reside at the intersection of two collector streets
AREA: +/-1.095 acres
EXISTING ZONING: Employment (EMP)

The following spoke in support of the application: None

The following spoke in opposition the application: None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with conditions.

The motion passed by a vote of 9-0-1 on the consent agenda.

Respectfully,



Seth Thomas
Municipal Planner
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

SUP 21-12
CONDITIONS

1. No window signage is permitted on the front façade
2. Landscape screening is required around the rear utility units and dumpster
3. Roof-mounted mechanical equipment shall be shielded from view on all sides. Screening shall consist of materials consistent with the primary building materials, and may include metal screening or louvers which are painted to blend with the primary structure.
4. EIFS shall comprise no more than ten percent (10%) of any building's exterior finish.
5. The City Engineer shall approve the design, number and location of curb cuts through the curb cut permit process.

AGENDA ITEM: 6

CASE NUMBER: SUP 21-12 **L.U.C.B. MEETING:** July 8, 2021

LOCATION: 3521 Lamar Avenue

COUNCIL DISTRICT: District 4 and Super District 8

OWNER/APPLICANT: Aman Devji

REPRESENTATIVE: Neeraj Kumar

REQUEST: Upgrading an existing gas station that does not reside at the intersection of two collector streets

AREA: +/-1.095 acres

EXISTING ZONING: Employment (EMP)

CONCLUSIONS

1. The applicant is seeking a Special Use Permit to upgrade an existing gas station that does not reside at the intersection of two collectors, one collector and one arterial street, or two arterials.
2. Due to the legal non-conformity of the currently operating gas station, a Special Use Permit must be filed for any building expansion or demolition.
3. This application will greatly improve a pre-existing gas station that operates under a legal non-conforming status.
4. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is **consistent** with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 15 and 16 of this report.

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Street Frontage: Lamar Avenue +/-86.49 curvilinear feet

Zoning Atlas Page: 2235

Parcel ID: 073001 00059

Existing Zoning: Employment (EMP)

NEIGHBORHOOD MEETING

The meeting was held at 6:00 PM on Tuesday, January 22, 2021 on Zoom.

PUBLIC NOTICE

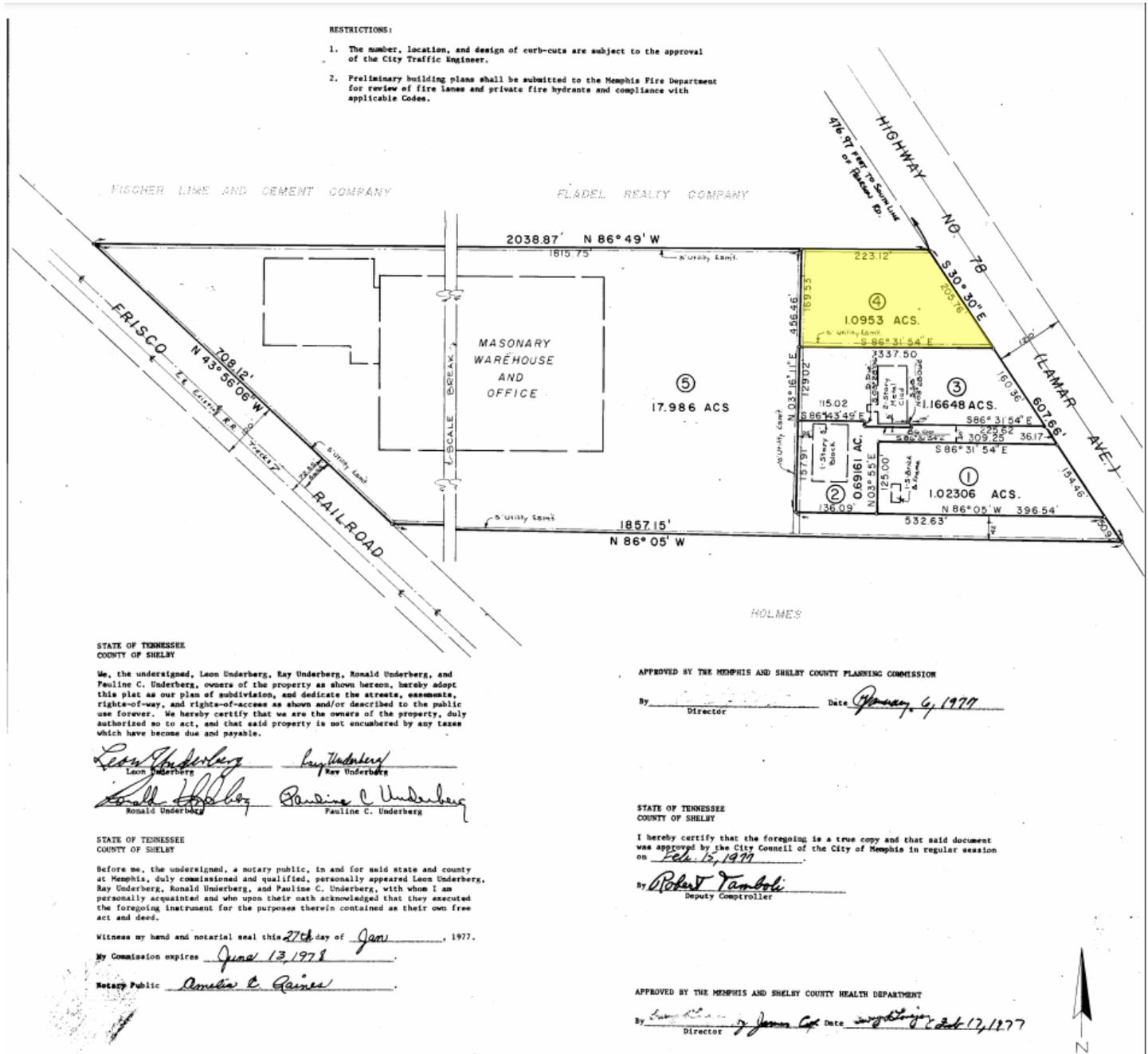
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 79 notices were mailed on June 24, 2018, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



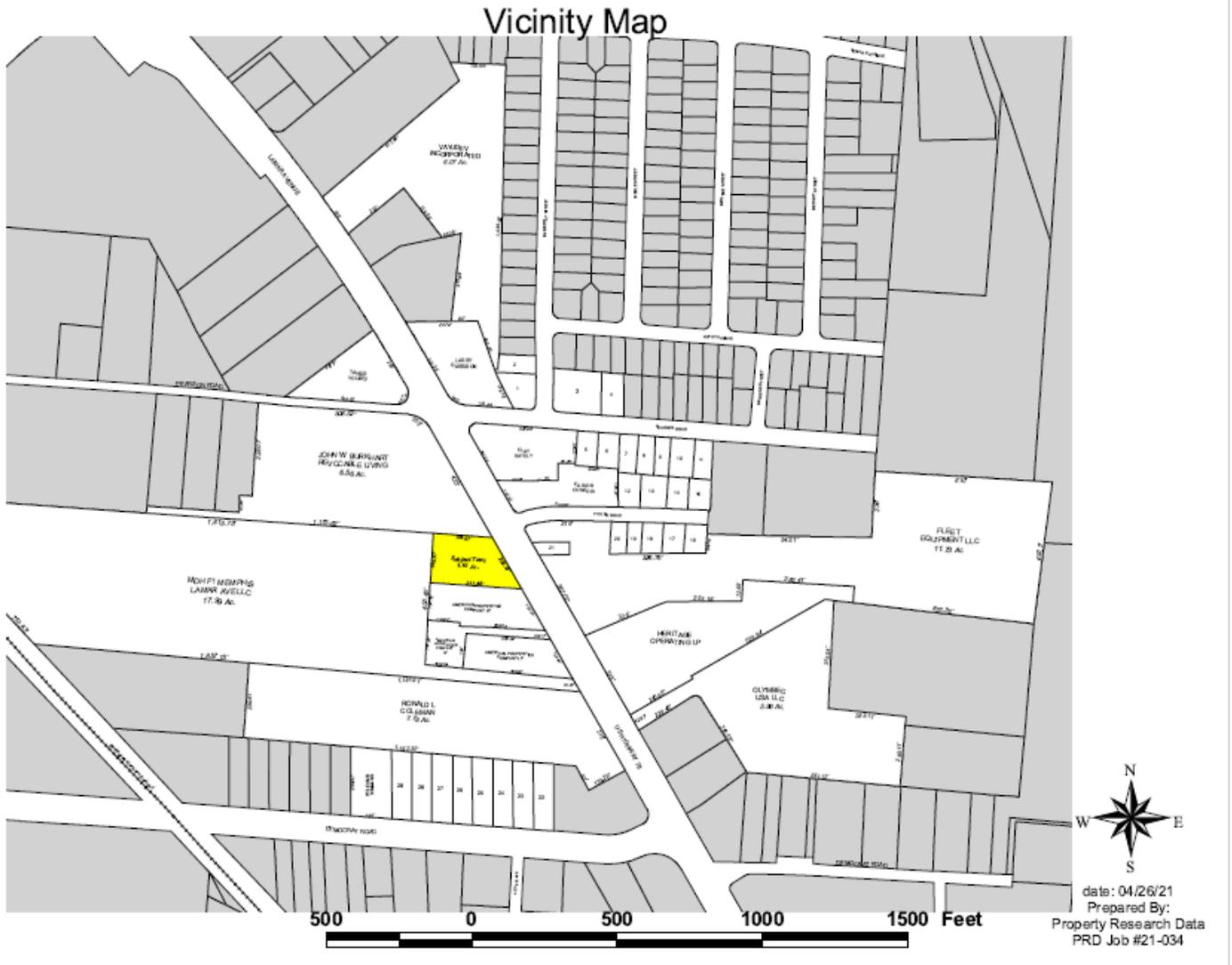
Subject property located within the pink circle, Oakville Neighborhood

Underberg Commercial Subdivision (1977)



Subject property highlighted in yellow, Lot 4

VICINITY MAP



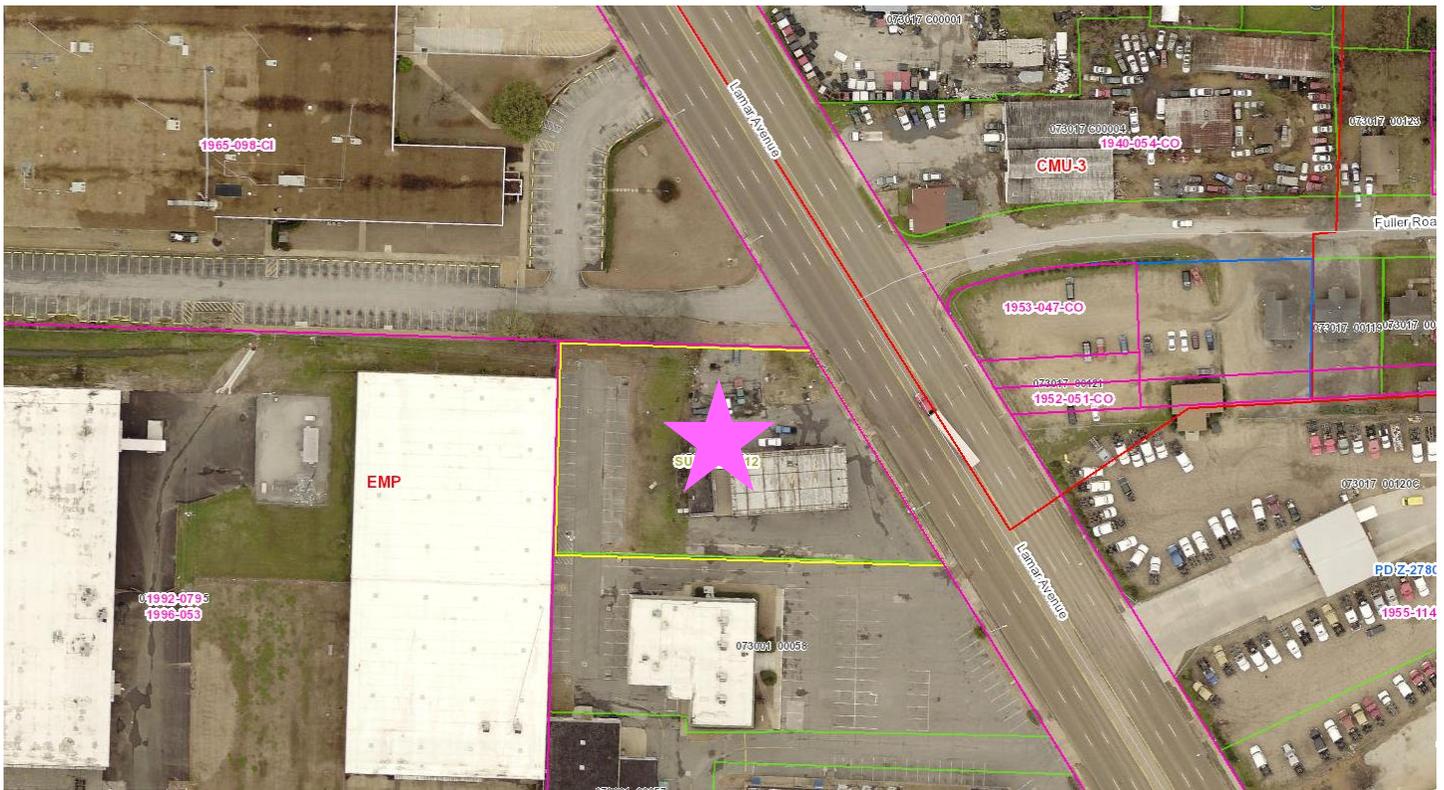
Site highlighted in yellow

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property indicated by a pink star

Existing Zoning: Employment (EMP)

Surrounding Zoning

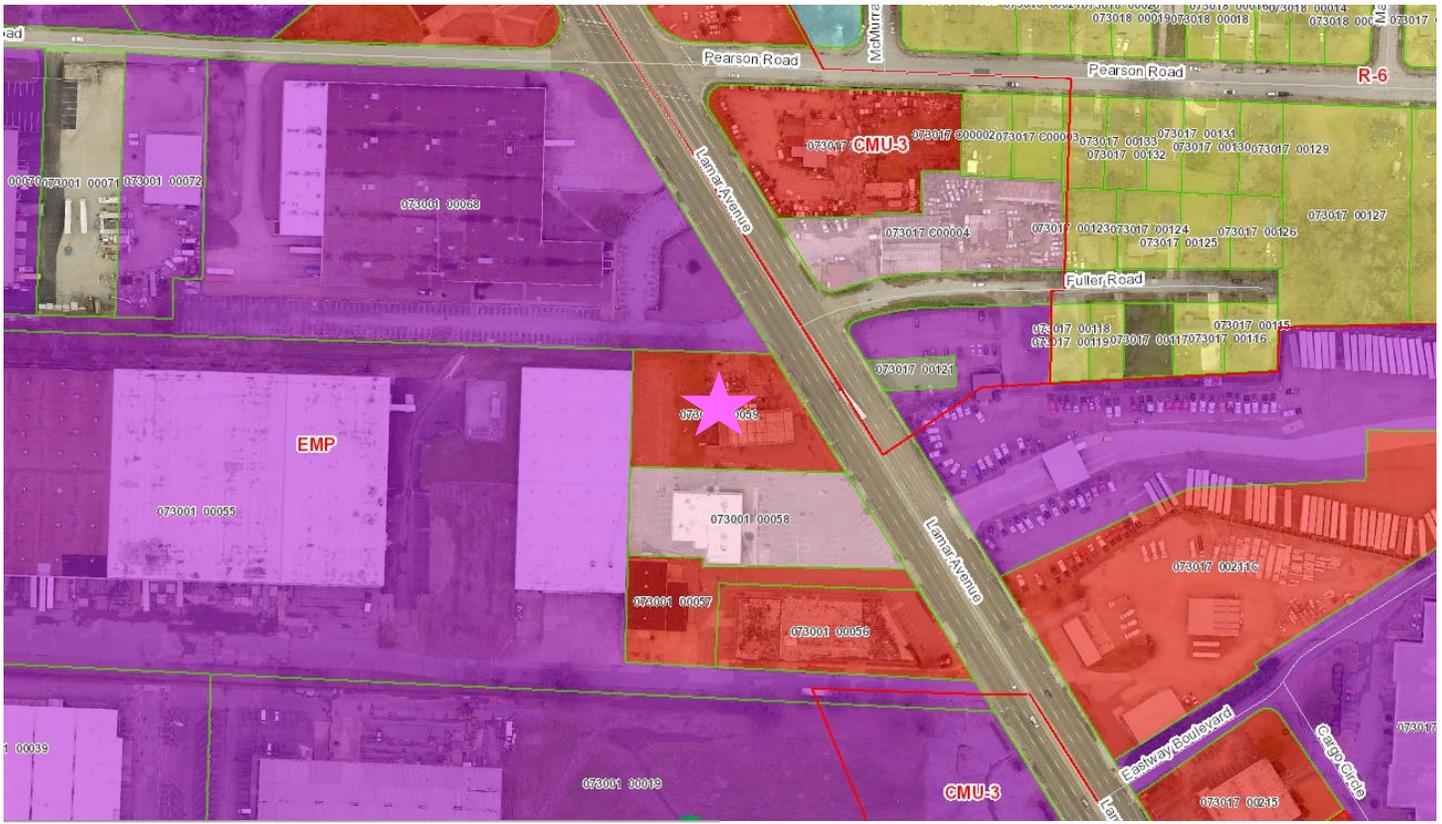
North: Employment (EMP), CMU-3 and BOA 65-098-CI

East: Employment (EMP), CMU-3, R-6, BOA 52-015-CO, BOA 40-054-CO, BOA 53-047-CO

South: Employment (EMP), CMU-3, PD Z-2780, BOA 55-114-CO, SUP 05-220, UV 05-009

West: Employment (EMP), BOA 96-053, BOA 92-079

LAND USE MAP

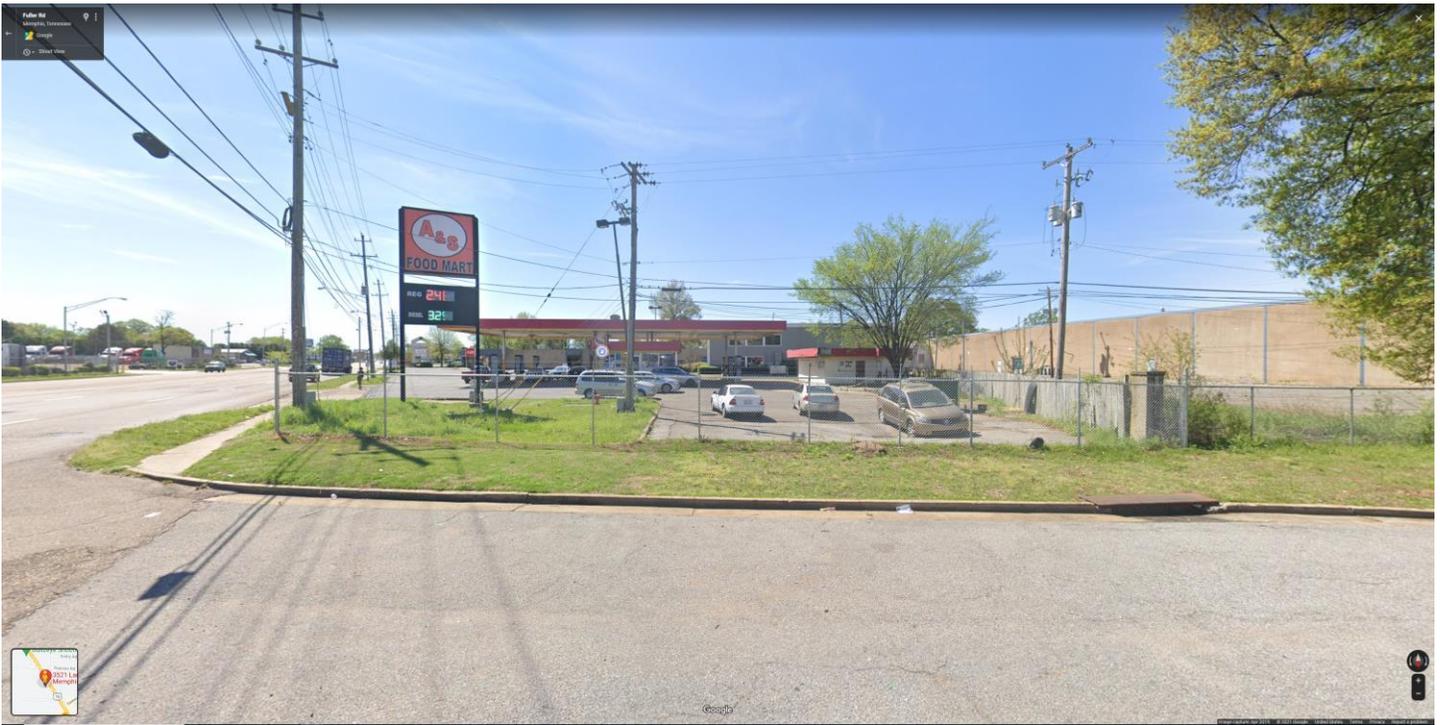


LandUse

 SINGLE-FAMILY	 OFFICE
 MULTI-FAMILY	 INDUSTRIAL
 INSTITUTIONAL	 PARKING
 COMMERCIAL	 VACANT
 RECREATIONAL / OPEN SPACE	

Subject property indicated by a pink star

SITE PHOTOS



View of the north side of the property from Fuller Road facing south.



View of the rear of the lot from the neighboring property to the south facing northeast.



View of the rear side of the property from Lamar Avenue facing northwest.

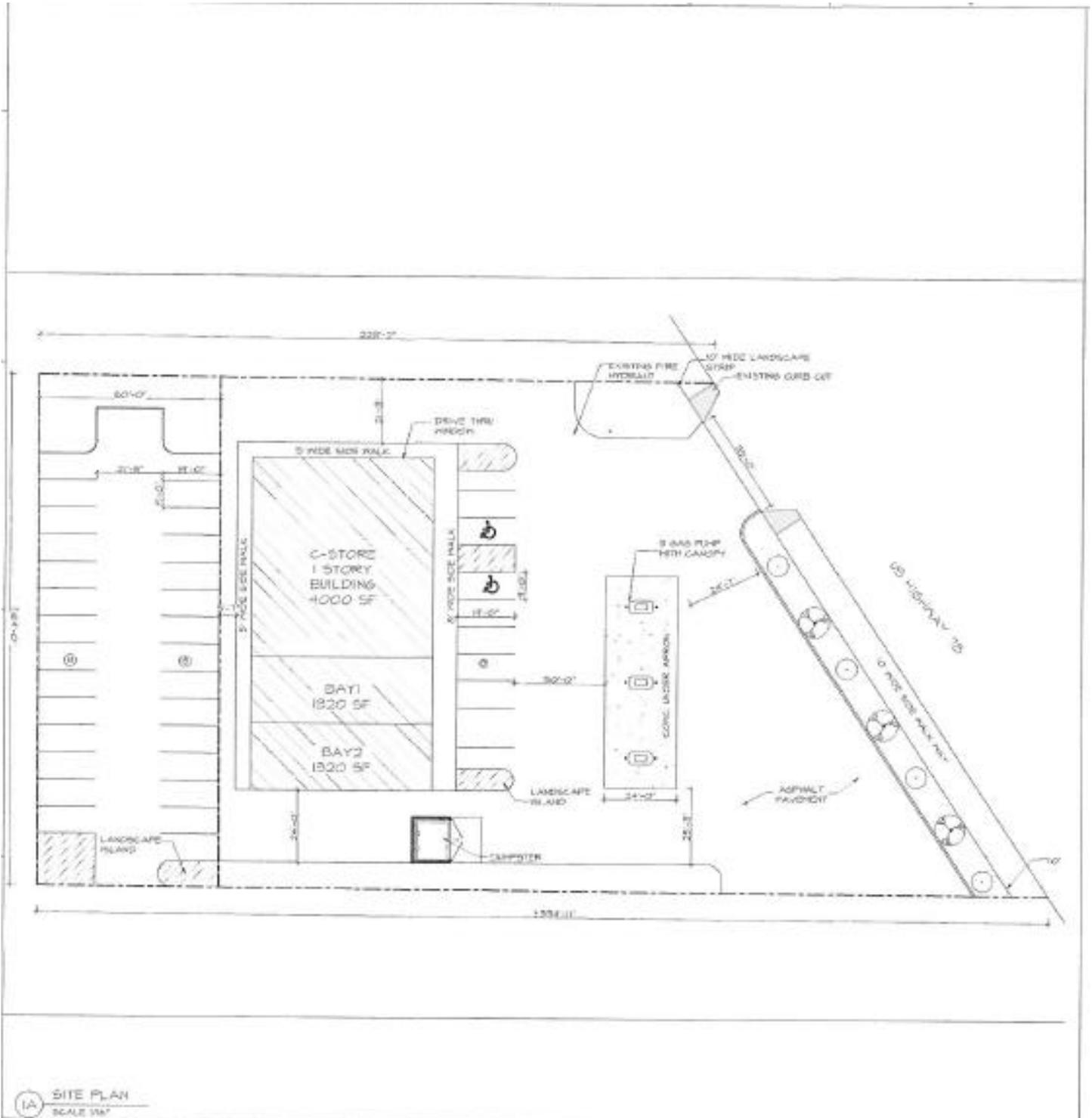


View of the northernmost curb cut of the property from Lamar Avenue facing southwest.



View of the current pump configuration and principle structure facing west

SITE PLAN



ELEVATIONS



STAFF ANALYSIS

Request

The application and letter of intent have been added to this report.

Upgrading an existing gas station that does not reside at the intersection of two collector streets.

Approval Criteria

Staff agrees the approval criteria in regard special use permits as set out in Section 9.6.9 of the Unified Development Code are met.

9.6.9 Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

- 9.6.9A The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.*
- 9.6.9B The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.*
- 9.6.9C The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.*
- 9.6.9D The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.*
- 9.6.9E The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- 9.6.9F The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.*
- 9.6.9G The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.*
- 9.6.9H Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.*

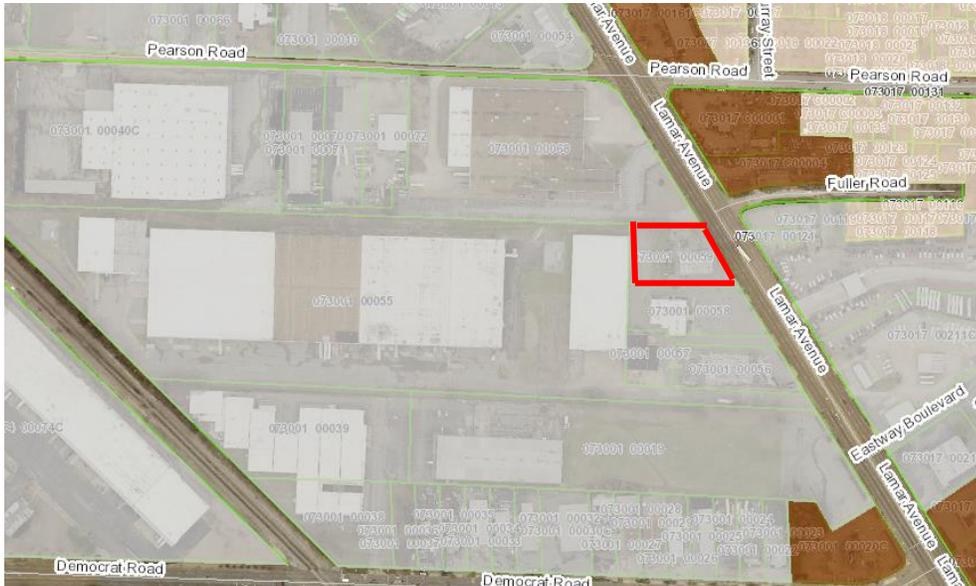
Site Description

The subject property is +/-1.095 acres and comprised of one parcel (073001 00059), located at 3521 Lamar Avenue in the north central Oakville neighborhood, and zoned Employment (EMP). Per the Assessor's Office, the principal structure on the site was originally built circa 1977 and currently is a one-story structure with a ground floor area of 1,600 square feet. The subject property, which was originally constructed as a fueling station also has a detached utility building with 242 square feet of ground floor area, one underground fuel tank, and a canopy that takes up 4,320 square feet of the lot.

Consistency with Memphis 3.0

Staff uses the following criteria contained in Memphis 3.0 to determine consistency.

1. FUTURE LAND USE PLANNING MAP



The red boxes indicate the application sites on the Future Land Use Map.

2. Land use description & applicability

Industrial Flex land allows for mixed-use, which makes this land versatile for development and employment as it is also not on conservation lands or floodplain. This area is lower intensity manufacturing, usually at the scale of one to three stories and can be located next to residential neighborhoods due to their low emissions of sound, light and air pollution. See graphic portrayal to the right.



“IF” Goals/Objectives:

Evolution of single use industrial zones into mixed-use environments that are compatible with adjacent neighborhoods.

“IF” Form & Location Characteristics:

Industrial with some commercial and service uses that are one to six stories in height.

The applicant is seeking approval for a special use permit to operate a convenience store with gas pumps in an employment zone.

The request meets the criteria in the form of a commercial and service use, the height requirement, and is consistent with existing land uses. Therefore, the proposal is consistent.

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

1. No window signage is permitted on the front façade
2. Landscape screening is required around the rear utility units and dumpster
3. Roof-mounted mechanical equipment shall be shielded from view on all sides. Screening shall consist of materials consistent with the primary building materials, and may include metal screening or louvers which are painted to blend with the primary structure.
4. EIFS shall comprise no more than ten percent (10%) of any building's exterior finish.
5. The City Engineer shall approve the design, number and location of curb cuts through the curb cut permit process.

DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

City/County Engineer:

CITY ENGINEERING COMMENTS DATE: **5/24/2021**

CASE: **SUP-21-012**

NAME: **C Store with Gas Sales**

1. Standard Subdivision Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.
2. No site plan included in application

Sewers:

3. City sanitary sewers are available to serve this development.
4. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

Roads:

5. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
6. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.

Traffic Control Provisions:

7. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5 foot wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5 foot clear pedestrian path, an exception may be considered.
8. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
9. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the

City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

10. The City Engineer shall approve the design, number and location of curb cuts.
11. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

Drainage:

12. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
13. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
14. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
15. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
16. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

City/County Fire Division:	No comments received.
City Real Estate:	No comments received.
City/County Health Department:	No comments received.
Shelby County Schools:	No comments received.
Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	No comments received.
Office of Sustainability and Resilience:	No comments received.

APPLICATION



Memphis and Shelby County
Office of Planning and Development
CITY HALL 125 NORTH MAIN STREET-SUITE 477 MEMPHIS, TENNESSEE 38103-2084 (901) 636-6619

**APPLICATION FOR SPECIAL USE PERMIT
APPROVAL/AMENDMENT**

Date: _____

Case #: _____

PLEASE TYPE OR PRINT

Property Owner of Record: Aman Devji Phone #: 678-570-6327

Mailing Address: 319 POPLAR VIEW LN W # 1 City/State: Collierville TN Zip 38017

Property Owner E-Mail Address: devjiaman@comcast.net

Applicant: Neeraj Kumar Phone # 9016038765

Mailing Address: 9000 Forest Hill Irene Cove City/State: Germantown TN Zip 38139

Applicant E- Mail Address: nkumar@designgroupmemphis.com

Representative: Neeraj Kumar Phone #: 9016038765

Mailing Address: 9000 Forest Hill Irene Cove City/State: Germantown TN Zip 38139

Representative E-Mail Address: nkumar@designgroupmemphis.com

Engineer/Surveyor: _____ Phone # _____

Mailing Address: _____ City/State: _____ Zip _____

Engineer/Surveyor E-Mail Address: _____

Street Address Location: _____

Distance to nearest intersecting street: _____

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	1.095	_____	_____
Existing Zoning:	EMP	_____	_____
Existing Use of Property	Commerical	_____	_____
Requested Use of Property	C store with Pui	_____	_____

Amendment(s): Any revision to an approved Special Use Permit that does not meet the provisions for Major or Minor Modifications shall be proposed as an amendment. Time extensions (see Subsection 9.6.14B of the UDC) to and requests to exceed 24-month limitation on discontinuance (see Subsection 9.6.14C) of approved special use permits shall be processed as major modifications, subject to the provisions of Chapter 9.16.
Yes _____ No **X**

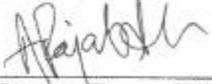
Unincorporated Areas: For residential projects in unincorporated Shelby County, please provide the following information:

Number of Residential Units: _____ Bedrooms: _____

Expected Appraised Value per Unit: _____ or Total Project: _____

Variations: If the Office of Planning and Development (OPD) determines your submitted site plan requires Board of Adjustment (BOA) action on a particular standard of the Unified Development Code, this application will not be heard by the Land Use Control Board (LUCB) until an application is submitted to the BOA. Once a BOA application is received by OPD, OPD will proceed to send any public notices, including neighborhood meeting notification, for the next available LUCB meeting. Notices will not be sent out prior to a BOA application being received. All neighborhood notification and public notices shall meet the timing provided in Sections 9.3.2 and 9.3.4 of the UDC. In lieu of a BOA application being filed, this application for a Special Use Permit may be replaced with an application for a Planned Development within 14 days of the filing deadline for this application, unless the site is located within the Medical Overlay District (see Sec. 8.2.2D of the UDC). If neither a Board of Adjustment nor a Planned Development application is received within 90 days of the filing deadline for this application, then this application shall be considered defective and withdrawn from any future consideration by the Land Use Control Board.

I (we) hereby make application for the Special Use Permit described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

	03/04/2021		05/06/2021
Property Owner of Record	Date	Applicant	Date

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: 04/15/2021 with Lucas Skinner

NEIGHBORHOOD MEETING – At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2). The following documentation shall be provided to OPD to verify compliance with this requirement: A copy of the letter sent to neighborhood associations and abutting property owners and a copy of the mailing list used to send notice.

Neighborhood Meeting Requirement Met: Yes Not yet
(If yes, documentation must be included with application materials)

SIGN POSTING – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

9.6.9 Special Use Permit Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare (UDC sub-section 9.6.9A).

The project will not have any undue adverse effect on adjacent properties, the character of the neighborhood. Currently there is a 1587 sf existing structure that was built in 1977. The structure is very old and has many issues. Even the exterior elevations are dated. The new structure will have modern appearance and have brick at all 4 elevations. The site will have

- The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations (UDC sub-section 9.6.9B).

The project will be a major upgrade for the area. The new structure will have modern appearance and have brick at all 4 elevations. The site will have major upgrade with new gas canopy, new asphalt pavement and new landscape.

- The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services (UDC sub-section 9.6.9C).

The property is located at the intersection of Lamar Avenue and Fuller Road. All necessary utilities required to operate a C store with pump is already accessible to the site. The project will served with all necessary utilities.

- The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance (UDC sub-section 9.6.9D).

The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance. the existing structure on the property is very old with very unattractive facade. There is also issue with parking spaces. The demolition of the existing structure will result in overall upgrade of the property.

- The project complies with all additional standards imposed on it by any particular provisions authorizing such use (UDC sub-section 9.6.9E).

The project will meet all standards per UDC.

- The request will not adversely affect any plans to be considered (see UDC Chapter 1.9) or violate the character of existing standards for development of the adjacent properties (UDC sub-section 9.6.9F).

The project will be a major upgrade for the area and will have positive impact on the surroundings. The building will be modern with use of long lasting materials like brick and EIFS.

LETTER OF INTENT

05/06/2021

Letter of Intent

05/06/2021

Lucas Skinner

Memphis & Shelby County Office of Planning & Development

City Hall, 125 N. Main Street, Suite 468

Memphis, Tennessee 38103

Re: Application for Special Use Permit for 3521 Lamar Road, Memphis TN

Convenience store w/pumps-3521 Lamar Avenue

Dear Mr. Skinner

We are pleased to submit an application for Special Use Permit for allowing a C store with pumps at the above address. The property is zoned EMP. The owner proposes to demolish the existing building and gas canopy and replace with new upgraded building and canopy. The existing gas station is operational. Per my pre-construction meeting with Mr. Lucas Skinner, Planner at DOD, I was advised to apply for SUP permit as the current gas station is not located at the intersection of two collector streets. We also understand that in case this application is rejected, the owner can continue to operate the existing gas station in current setup.

As an architect, I strongly believe that the project will not have any undue adverse effect on adjacent properties, the character of the neighborhood. Currently there is an approx. 1600 SF existing structure that was built in 1977. The structure is old and has many issues. The exterior elevations are dated. Accordingly to the UDC, there are many non-compliant issues such as parking counts, streetscape and landscaping requirements, setback issues, etc. The new development will have quality improvements. The new structure will have modern appearance and have brick at all 4 elevations. The site will have major upgrade with new gas canopy, new asphalt pavement and new landscape. Please refer to attached site plan and rendering submitted with this application.

I humbly request you to consider recommending approval of this application to the Land Use Control Board and City Council.

Should you have any questions, feel free to reach out to me.

Thank You



Neeraj Kumar, DESIGN GROUP ARCHITECT

Letter of Intent

05/06/ 2021

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Neeraj Kumar, being duly sworn, depose and say that at 11 am/pm on the 11 day of June, 2021, I posted Public Notice Sign(s) pertaining to Case No. SUP 2021-012 at 3521 Lamar Avenue, providing notice of a Public Hearing before the X Land Use Control Board, Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (Planned Development, X Special Use Permit, Zoning District Map Amendment, Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

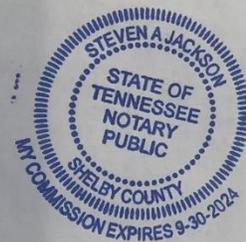
Neeraj Kumar
Owner, Applicant or Representative

6/14/2021
Date

Subscribed and sworn to before me this 14th day of June, 2021.

Steven A. Jackson
Notary Public

My commission expires: 9-30-2024



LETTERS RECEIVED

One letter of opposition was received at the time of completion of this report and have subsequently been attached.

Dear Seth,

In reference to the Notice of Public Hearing, case number Sup 2021- 012 Please note That we are in opposition to the request made on the site plan on 3521 Lamar Ave for the applicant Neeraj Kumar for convenience store with gas station pumps. Please be advised the our decision was made based on the following findings

- 1- Near the subject location, and in less than quarter of a mile there are already 3 existing gas stations. Loves station, blue station and a Marathon gas station. The short distance between us and the third subject location will make it difficult for all of us to financially benefit as a gas station business. Neither the current economical situation or the location will support. The high running costs and overheads in maintaining a gas station business became relatively high.
- 2- We believe that the area where the subject location is in has enough gas service stations to cater the traffic on Lamar Avenue and the surrounding commercial automotive businesses. We believe that adding another similar business to ours will only cause negative financial hardship to both sides.

We also believe that the neighborhood can benefit from other business ideas for the subject location, that can provide new services to the commercial and the small residential neighborhoods surrounded.

We hope that we were able to explain our concerns and we appreciate your time.

Regards,

Taysir Yousef

(901)246-5458



Memphis and Shelby County
Office of Planning and Development
 CITY HALL 125 NORTH MAIN STREET-SUITE 477 MEMPHIS, TENNESSEE 38103-2084 (901) 636-6619

**APPLICATION FOR SPECIAL USE PERMIT
 APPROVAL/AMENDMENT**

Date: _____

Case #: _____

PLEASE TYPE OR PRINT

Property Owner of Record: Aman Devji Phone #: 678-570-6327

Mailing Address: 319 POPLAR VIEW LN W # 1 City/State: Collierville TN Zip 38017

Property Owner E-Mail Address: devjiaman@comcast.net

Applicant: Neeraj Kumar Phone # 9016038765

Mailing Address: 9000 Forest Hill Irene Cove City/State: Germantown TN Zip 38139

Applicant E- Mail Address: nkumar@designgroupmemphis.com

Representative: Neeraj Kumar Phone #: 9016038765

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Representative E-Mail Address: nkumar@designgroupmemphis.com

Engineer/Surveyor: _____ Phone # _____

Mailing Address: _____ City/State: _____ Zip _____

Engineer/Surveyor E-Mail Address: _____

Street Address Location: _____

Distance to nearest intersecting street: _____

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>1.095</u>	_____	_____
Existing Zoning:	<u>EMP</u>	_____	_____
Existing Use of Property	<u>Commerical</u>	_____	_____
Requested Use of Property	<u>C store with Pui</u>	_____	_____

Amendment(s): Any revision to an approved Special Use Permit that does not meet the provisions for Major or Minor Modifications shall be proposed as an amendment. Time extensions (see Subsection 9.6.14B of the UDC) to and requests to exceed 24-month limitation on discontinuance (see Subsection 9.6.14C) of approved special use permits shall be processed as major modifications, subject to the provisions of Chapter 9.16.
 Yes _____ No **X** _____

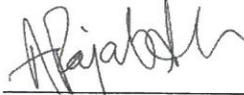
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I (we) hereby make application for the Special Use Permit described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

	03/04/2021		05/06/2021
Property Owner of Record	Date	Applicant	Date

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Pre-Application Conference held on: 04/15/2021 with Lucas Skinner

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Neighborhood Meeting Requirement Met: Yes _____ Not yet ^X _____
 (If yes, documentation must be included with application materials)

SIGN POSTING – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

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- The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services (UDC sub-section 9.6.9C).

The property is located at the intersection of Lamar Avenue and Fuller Road. All necessary utilities required to operate a C store with pump is already accessible to the site. The project will served with all necessary utilities.

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The project will meet all standards per UDC.

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05/06/2021

Letter of Intent

05/06/2021

Lucas Skinner

Memphis & Shelby County Office of Planning & Development

City Hall, 125 N. Main Street, Suite 468

Memphis, Tennessee 38103

Re: Application for Special Use Permit for 3521 Lamar Road, Memphis TN

Convenience store w/pumps-3521 Lamar Avenue

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I humbly request you to consider recommending approval of this application to the Land Use Control Board and City Council.

Should you have any questions, feel free to reach out to me.

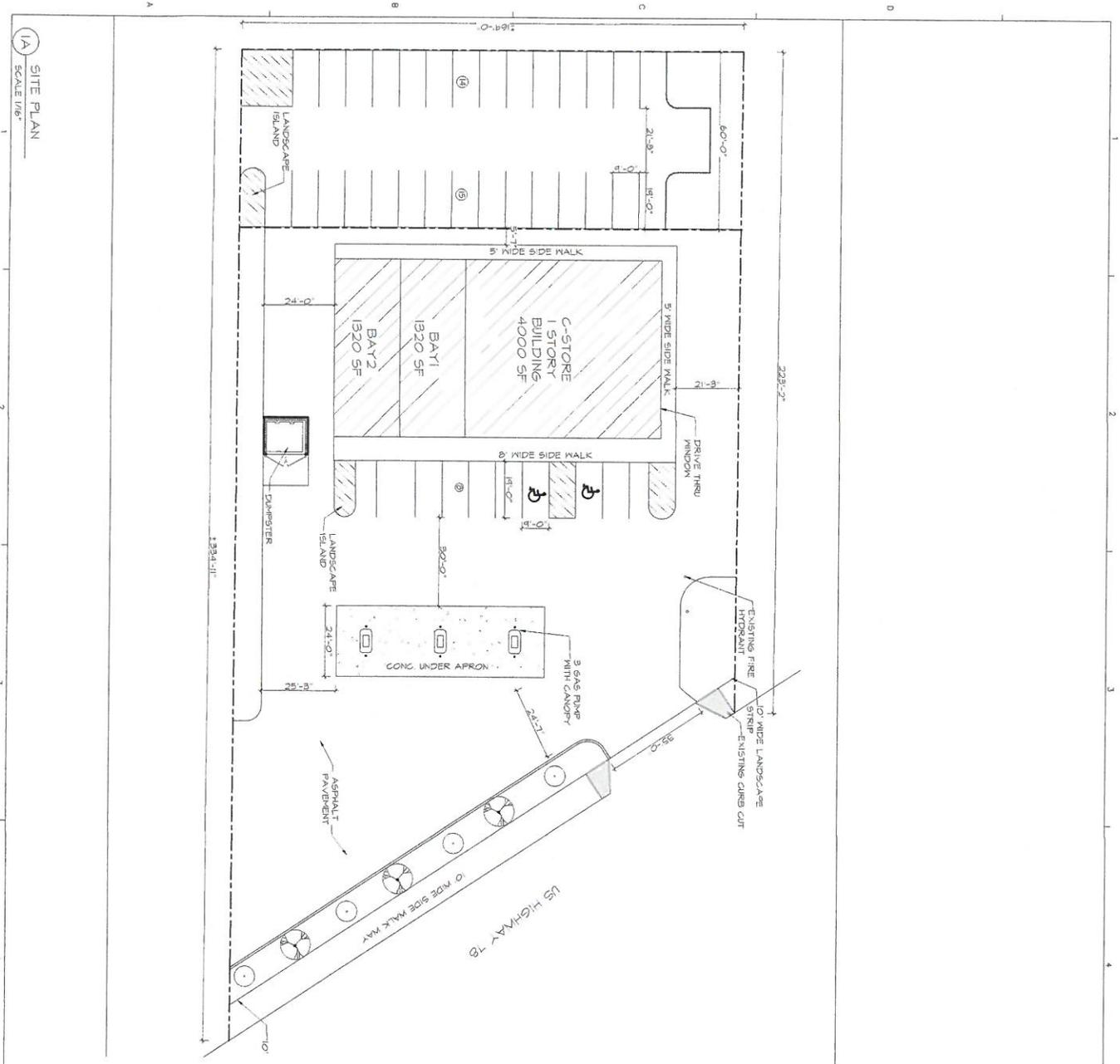
Thank You



Neeraj Kumar, DESIGN GROUP ARCHITECT

Letter of Intent

05/06/ 2021



1A SITE PLAN
SCALE 1/8" = 1'

NERAJI KUJAR
 ARCHITECTURE
 ARCHITECT MEMPHIS, TN 38103
 1255 Gravelly Road, Suite 225
 Memphis, TN 38117
 Telephone: 901-613-0752
 E-Mail: design@nerajiku.com

OWNER NAME AND ADDRESS
C STORE W/GAS PUMP AT LAMAR AVE MEMPHIS

NERAJI KUJAR
 ARCHITECTURE
 ARCHITECT MEMPHIS, TN 38103
 1255 Gravelly Road, Suite 225
 Memphis, TN 38117
 Telephone: 901-613-0752
 E-Mail: design@nerajiku.com

OWNER NAME AND ADDRESS
C STORE W/GAS PUMP AT LAMAR AVE MEMPHIS

DATE: _____ SITE: _____

DESIGNED BY: _____

CHECKED BY: _____

APPROVED BY: _____

A100



Tom Leatherwood, Shelby County Register of Deeds: Instr. # 16125246



Tom Leatherwood
Shelby County Register / Archives

As evidenced by the instrument number shown below, this document
has been recorded as a permanent record in the archives of the
Office of the Shelby County Register.

	
12/08/2016 16125246 02:37 PM	
4 PGS	
MELISA 1541687-16125246	
VALUE	253000.00
MORTGAGE TAX	0.00
TRANSFER TAX	973.10
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	1.00
WALK THRU FEE	0.00
TOTAL AMOUNT	996.10
TOM LEATHERWOOD REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

WARRANTY DEED

THIS INDENTURE, made and entered into as of the 1st day of November, 2016, by and between AMERICAN PROPERTIES CO., G.P., a Tennessee general partnership, party of the first part, and SOLOMON DEGEFU, party of the second part.

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in the County of Shelby, State of Tennessee, to-wit:

Part of Lot 4, Underberg Commercial Subdivision, as shown on plat of record in Plat Book 67, page 13, in the Register's Office of Shelby County, Tennessee, and being more particularly described as follows: Beginning at a 1/2" iron rod found at the northeast corner of Lot 4, Underberg Commercial Subdivision as recorded in Plat Book 67, page 13, said point being in the westerly line of Lamar Avenue (120' R.O.W.); thence S 29°44'00"E, along said westerly sideline of Lamar Avenue, a distance of 205.67' to a found cotton picker spindle at the southeast corner of Lot 4; thence N 85°51'10" W, along the line dividing Lots 3 and 4, a distance of 311.48' to a point 1.0' east of a one-story concrete tilt-up-building; thence N 04°05'59"E, and parallel said [sic] building, a distance of 169.67' to a point in the northerly line of Lot 4; thence S86°09'55"E, along said northerly line of Lot 4, a distance of 196.97' to a point which is the point of beginning. [THIS DESCRIPTION TAKEN FROM SURVEY DATED OCTOBER 14, 2016 OF ROBERT W. ESTES, LICENSE NO. 1566, PARKER, ESTES & ASSOCIATES, INC., 3460 RIDGE MEADOW PARKWAY, MEMPHIS, TENNESSEE 38115, AS ATTACHED HERETO.

Being part of the same property conveyed to party of the first part herein by Quit Claim Deed of record as Instrument No. GP 3307 in the Register's Office of Shelby County, Tennessee.

The property herein conveyed is subject to the following: 2017 Shelby County taxes and 2017 City of Memphis taxes, not yet due and payable, which party of the second part assumes and agrees to pay, and subject to subdivision restrictions, building lines and easements of record in Plat Book 67, page 13, and easements of record in Instrument Nos. F8 6629, F9 5725, G1 0275, and R8 2457 as shown on said survey; all in the Register's Office of Shelby County, Tennessee, and subject to rights of tenants in possession under unrecorded leases.

The attached survey shows an unrecorded easement for water main. Grantor and his successors and assigns acknowledge such easement and shall not do anything to the property to interfere with such easement.

Said survey also shows an ingress-egress and parking easement located on the west side of the property. This is designated as a "no build" area and may be used for parking only by the owners, lessees, employees, customers and invitees of Lot 1 and Lot 3. Grantee and his successors and assigns agree that no structure may be placed upon such area and that it shall be used only for parking by Lot 1 and Lot 3.

The survey also shows a sanitary sewer line running northeasterly from Lot 3 to subject property. As part of the sewer line, there is a lift pump located on Lot 3 for the benefit of Lot 4. Grantee and his successors and assigns shall maintain such sewer line and shall pay a reasonable amount to owner of Lot 3 for the costs of utilities used in the operation of such pump.

TO HAVE AND TO HOLD the aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, his heirs, successors and assigns in fee simple forever.

The said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforescribed real estate; that it has a good right to sell and convey the same; that the same is unencumbered, except as set out hereinabove; and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons.

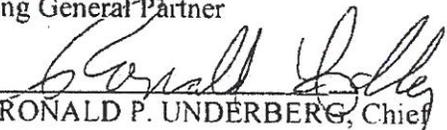
The word "party" as used herein shall mean "parties" if it refers to more than one person or entity, and pronouns shall be construed according to their proper gender and number according to the context hereof.

IN TESTIMONY WHEREOF, the said AMERICAN PROPERTIES CO., G.P., a Tennessee general partnership, has caused its name to be signed hereto by and through its proper officers duly authorized so to do as of the 1st day of November, 2016.

AMERICAN PROPERTIES CO., G.P.

BY: UNDERBERG PROPERTIES MANAGEMENT,
LLC, a Tennessee limited liability company, its
Managing General Partner

By:


RONALD P. UNDERBERG, Chief
Manager

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, the undersigned Notary Public of the State and County aforesaid, personally appeared RONALD P. UNDERBERG, with whom I am personally acquainted and who, upon oath, acknowledged himself to be the Chief Manager of UNDERBERG PROPERTIES MANAGEMENT, LLC, a Tennessee limited liability company, which is the Managing General Partner of AMERICAN PROPERTIES CO., G.P., a Tennessee general partnership, the within named bargainor, and that he, as such Chief Manager of said Managing General Partner, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of AMERICAN PROPERTIES CO., G.P., a Tennessee general partnership, by UNDERBERG PROPERTIES MANAGEMENT, LLC, a Tennessee limited liability company, its Managing General Partner, by himself as such Chief Manager.

WITNESS my hand at office this 29 day of November, 2016.

Chaire Johnston
Notary Public

My commission expires: 4/18/17

PROPERTY ADDRESS:
3521 Lamar Avenue
Memphis, Tennessee

MAIL TAX NOTICES TO:
AMERICAN PROPERTIES CO., G.P.
5720 Stage Road, Suite E
Bartlett, Tennessee 38134



MY COMMISSION EXPIRES:
APRIL 8, 2017

NAME AND ADDRESS OF PROPERTY OWNER(S):
SOLOMON DEGEFU

[Signature]
591 Wesley Woods Dr.
Memphis, TN 38118

THIS INSTRUMENT PREPARED BY AND
RETURN TO:
ALLEN C. DUNSTAN
HARKAVY SHAINBERG KAPLAN &
DUNSTAN PLC
6060 Poplar Avenue, Suite 140
Memphis, Tennessee 38119

T.G. No. N/A
Tax Parcel No.: 073001 00059
File No. 16107977

State Tax	\$
Register's Fee	\$
Recording Fee	\$
TOTAL	\$

I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$263,000.00, which amount is equal to or greater than the amount which the property would command at a fair and voluntary sale.

Jamayne Potter
Affiant,

Sworn to and subscribed before me this 2nd day of December, 2016.

[Signature]
Notary Public

My commission expires:



R:/ACD/Cases/American/Degefu-Warrant

(FOR RECORDING DATA ONLY)

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: 3 August 2021
DATE
PUBLIC SESSION: 3 August 2021
DATE**

ITEM (CHECK ONE)

ORDINANCE CONDEMNATIONS GRANT ACCEPTANCE / AMENDMENT
 RESOLUTION GRANT APPLICATION REQUEST FOR PUBLIC HEARING
 OTHER: _____

ITEM DESCRIPTION: A resolution approving a special use permit for a planned development
CASE NUMBER: PD 21-25
DEVELOPMENT: Child care center
LOCATION: 3046 Sharpe Ave.
COUNCIL DISTRICTS: District 4 and Super District 8
OWNER/APPLICANT: Cedric Peete / Kaycey Hobson
REPRESENTATIVE: Delinor Smith of Smith Building Design and Associates, Inc.
EXISTING ZONING: Residential Urban – 1
REQUEST: Special use permit for a planned development
AREA: 0.4 acres
RECOMMENDATION: The Division of Planning and Development recommended: *Approval with outline plan conditions*
The Land Use Control Board recommended: *Approval with outline plan conditions*
RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
8 July 2021 _____	DATE
(1) Land Use Control Board _____	ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) _____	REQUIRES CITY EXPENDITURE - (1) YES (2) NO
\$ _____	AMOUNT OF EXPENDITURE
\$ _____	REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

\$ _____	OPERATING BUDGET
\$ _____	CIP PROJECT # _____
\$ _____	FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
_____	_____	MUNICIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ZONING ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

PD 21-25

Resolution approving a special use permit for a planned development:

- This item is a resolution approving a special use permit for a planned development with outline plan conditions;
- The development would consist of a child care center;
- The Division of Planning & Development sponsors this resolution at the request of the Owner: Cedric Peete; Applicant: Kaycey Hobson; and Representative: Delinor Smith of Smith Building Design and Associates, Inc.; and
- This resolution, if approved, would supersede the existing zoning of this property.

**RESOLUTION APPROVING A SPECIAL USE PERMIT FOR A PLANNED DEVELOPMENT
AT 3046 SHARPE AVE., KNOWN AS CASE NUMBER PD 21-25.**

WHEREAS, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a special use permit for a planned development to achieve certain objectives in the various zoning districts; and

WHEREAS, Kaycey Hobson filed an application with the Memphis and Shelby County Division of Planning and Development for a special use permit for a planned development; and

WHEREAS, the Division of Planning and Development has received and reviewed the application in accordance with procedures, objectives and standards for planned developments as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and compatibility of the design and amenities with the public interest; and has submitted its findings and recommendation, including recommended outline plan conditions, concerning the above considerations to the Memphis and Shelby County Land Use Control Board; and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on July 8, 2021, and said Board has submitted its recommendation, including recommended outline plan conditions, concerning the above application to the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned application pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said development is consistent with the Memphis 3.0 General Plan; and

WHEREAS, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and has determined that said development meets the objectives, standards, and criteria for a special use permit for a planned development.

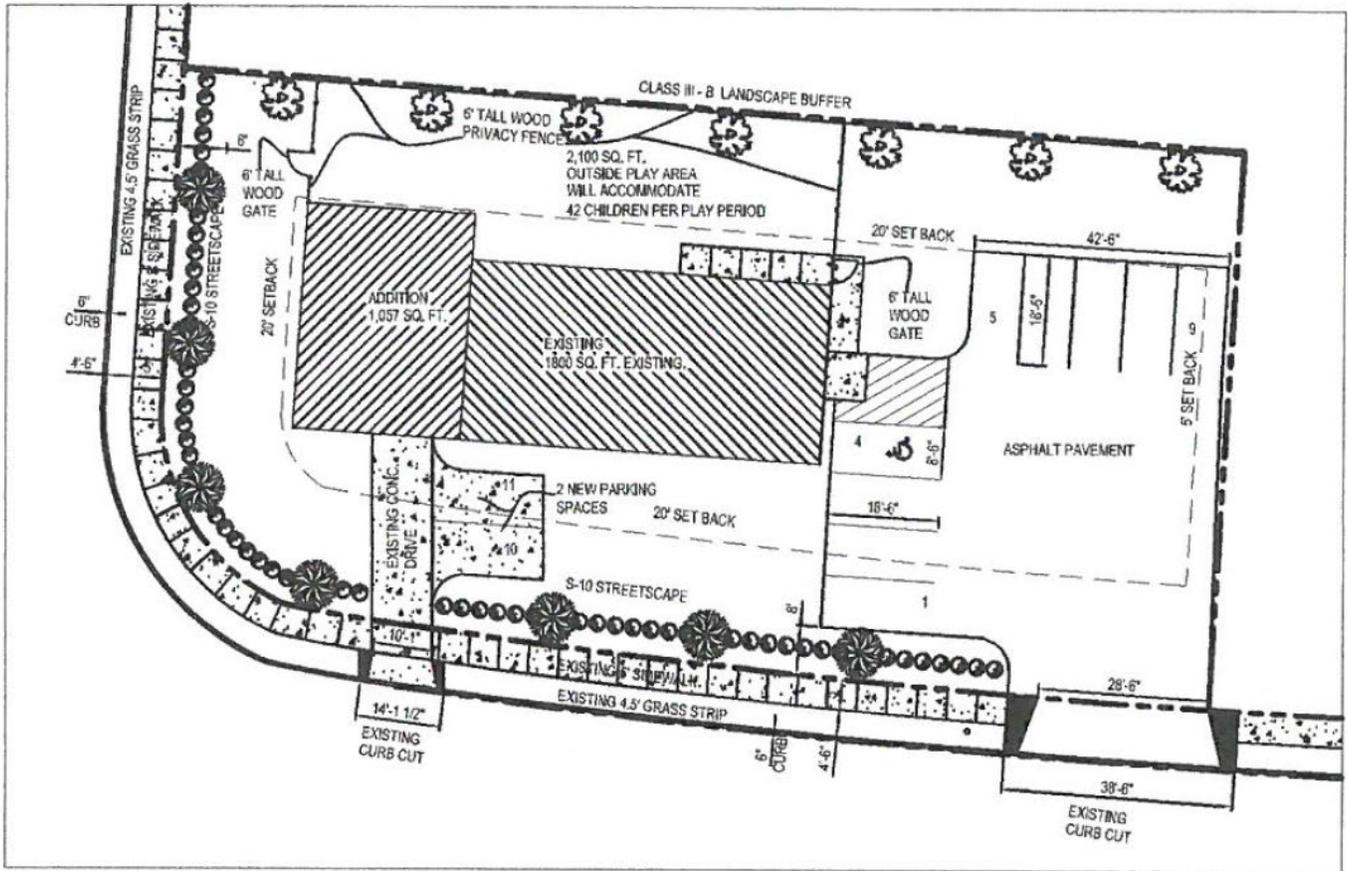
NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a special use permit for a planned development is hereby granted in accordance with the attached outline plan conditions.

BE IT FURTHER RESOLVED, that the requirements of the aforementioned chapter of the Unified Development Code shall be deemed to have been complied with; that the outline plan shall bind the applicant, owner, mortgagee, if any, and the Council with respect to the contents of said plan; and the applicant and/or owner may file a final plan in accordance with said outline plan and the provisions of Section 9.6.11 of the Unified Development Code.

OUTLINE PLAN CONDITIONS

- I. Uses Permitted
 - a. A maximum of one child care center
 - i. The final plan shall note the maximum number of children allowed on site at any one time in accordance with the following standards.
 - 1. A minimum of 30 square feet of usable indoor play and nap area – exclusive of restrooms, hallways, and office space – shall be provided per child on site.
 - 2. A minimum of 50 square feet of usable outdoor play area shall be provided per child on site.
 - ii. Operation shall not be permitted outside the hours of 7 a.m. to 6 p.m.; additionally, operation shall not be permitted on Saturday or Sunday.
 - iii. Lighting shall not glare onto adjacent residential properties.
 - b. Other uses as permitted by the Residential Urban – 1 zoning district
- II. Bulk Standards
 - a. A maximum of one lot shall be permitted.
 - i. There shall be no minimum lot size associated with child care centers.
 - b. The building setback, parking setback, and height standards shall be in accordance with the Residential Urban – 1 zoning district.
- III. Signage
 - a. Signage shall be permitted in accordance with residential sign standards.
 - b. Excepting duly permitted attached signs, no signs, pictures, or icons shall be placed or painted on the building. Any such existing signs shall be removed.
- IV. Final Plan
 - a. All Unified Development Code standards not otherwise varied by the outline plan conditions shall be enforced as if zoned Residential Urban – 1.
 - b. The final plan shall include all plans necessary to demonstrate compliance with the outline plan conditions, including, but not limited to, a site plan, landscape plan, floor plan, and sign plan.

CONCEPTUAL SITE PLAN



ATTEST:

- CC: Division of Planning and Development**
- Land Use and Development Services
 - Construction Enforcement

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday 8 July 2021**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	PD 21-25
DEVELOPMENT:	Child care center
LOCATION:	3046 Sharpe Ave.
COUNCIL DISTRICT(S):	District 4 and Super District 8
OWNER/APPLICANT:	Cedric Peete / Kaycey Hobson
REPRESENTATIVE:	Delinor Smith of Smith Building Design and Associates, Inc.
REQUEST:	Special use permit for a planned development
EXISTING ZONING:	Residential Urban – 1
AREA:	0.4 acres

The following spoke in support of the application: None

The following spoke in opposition the application: None

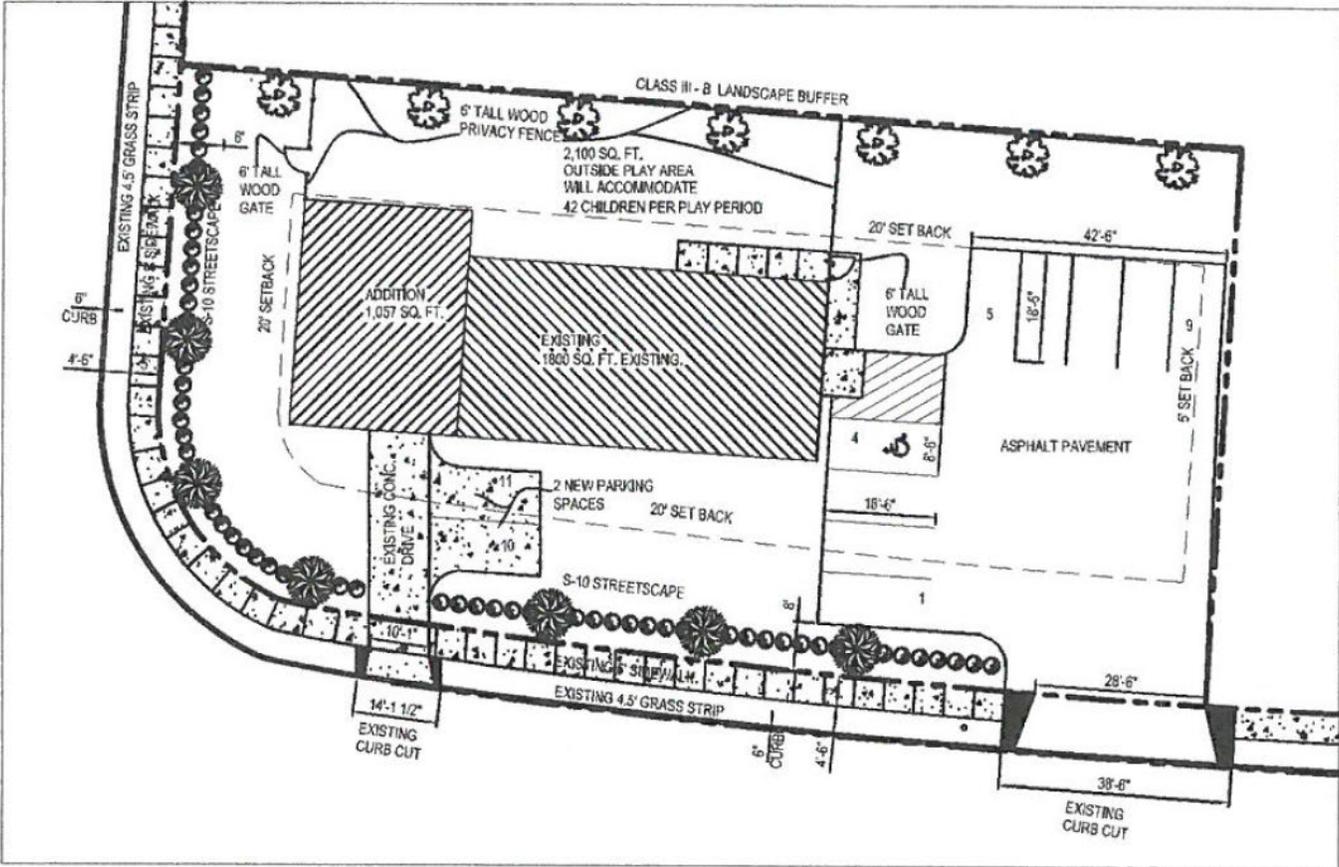
The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with outline plan conditions. Those conditions are attached.

The motion *passed* by a unanimous vote on the consent agenda.

LUCB'S RECOMMENDED OUTLINE PLAN CONDITIONS

- I. Uses Permitted
 - a. A maximum of one child care center
 - i. The final plan shall note the maximum number of children allowed on site at any one time in accordance with the following standards.
 - 1. A minimum of 30 square feet of usable indoor play and nap area – exclusive of restrooms, hallways, and office space – shall be provided per child on site.
 - 2. A minimum of 50 square feet of usable outdoor play area shall be provided per child on site.
 - ii. Operation shall not be permitted outside the hours of 7 a.m. to 6 p.m.; additionally, operation shall not be permitted on Saturday or Sunday.
 - iii. Lighting shall not glare onto adjacent residential properties.
 - b. Other uses as permitted by the Residential Urban – 1 zoning district
- II. Bulk Standards
 - a. A maximum of one lot shall be permitted.
 - i. There shall be no minimum lot size associated with child care centers.
 - b. The building setback, parking setback, and height standards shall be in accordance with the Residential Urban – 1 zoning district.
- III. Signage
 - a. Signage shall be permitted in accordance with residential sign standards.
 - b. Excepting duly permitted attached signs, no signs, pictures, or icons shall be placed or painted on the building. Any such existing signs shall be removed.
- IV. Final Plan
 - a. All Unified Development Code standards not otherwise varied by the outline plan conditions shall be enforced as if zoned Residential Urban – 1.
 - b. The final plan shall include all plans necessary to demonstrate compliance with the outline plan conditions, including, but not limited to, a site plan, landscape plan, floor plan, and sign plan.

CONCEPTUAL SITE PLAN



AGENDA ITEM: 16

CASE NUMBER: PD 21-25 (formerly SUP 21-10) **L.U.C.B. MEETING:** 8 July 2021

LOCATION: 3046 Sharpe Avenue

COUNCIL DISTRICT: District 4 and Super District 8

OWNER: Cedric Peete

APPLICANTS: Cedric Peete and Kaycey Hobson

REPRESENTATIVE: Delinor Smith of Smith Building Design and Associates, Inc.

REQUEST: Special use permit for a planned development

AREA: 0.4 acres

EXISTING ZONING: Residential Urban – 1

CONCLUSIONS (p. 14)

- The applicant has requested a special use permit for a planned development. This development would consist of a child care center.
- Although the underlying zoning permits child care centers by special use permit, the Unified Development Code (UDC) requires that child care centers within residential zoning districts have a minimum lot size of 20,000 square feet. Because the subject lot has an area of less than 20,000 square feet, a special use permit application for a child care center is not an option without a variance or planned development.
- Section B of Johnson’s Cherokee Subdivision imposes 30’ setbacks on both of the lot’s frontages. Approval of this request would remove the lot from that subdivision, thereby eliminating the platted setbacks and allowing the proposed building expansion.
- In 1996, the Memphis City Council approved a special use permit for a child care center at this site. That special use permit was tied to the previous land owner, and in any case has expired from lack of use per UDC Sub-Section 9.6.14C.
- To approve this request, City Council must find that at least one of the planned development objectives is met, and that all planned development general provisions and special use permit criteria have been met.
- Staff recommends approval based largely upon the site’s prior legislative approval as a child care center.

CONSISTENCY WITH MEMPHIS 3.0 (pp. 12-13)

This proposal is *consistent* with the Memphis 3.0 General Plan per the land use decision criteria.

RECOMMENDATION (p. 15)

Approval with outline plan conditions

GENERAL INFORMATION

Street Frontage:	Semmes Street Sharpe Avenue	(Minor arterial) (Major collector)	86 linear feet 177 curvilinear feet
Zoning Atlas Page:	2235		
Parcel ID:	059038 00013		
Existing Zoning:	Residential Urban – 1		

NEIGHBORHOOD MEETING

The required neighborhood meeting was held at via Zoom on 28 June 2021 from 6 p.m. to 7 p.m.

PUBLIC NOTICE

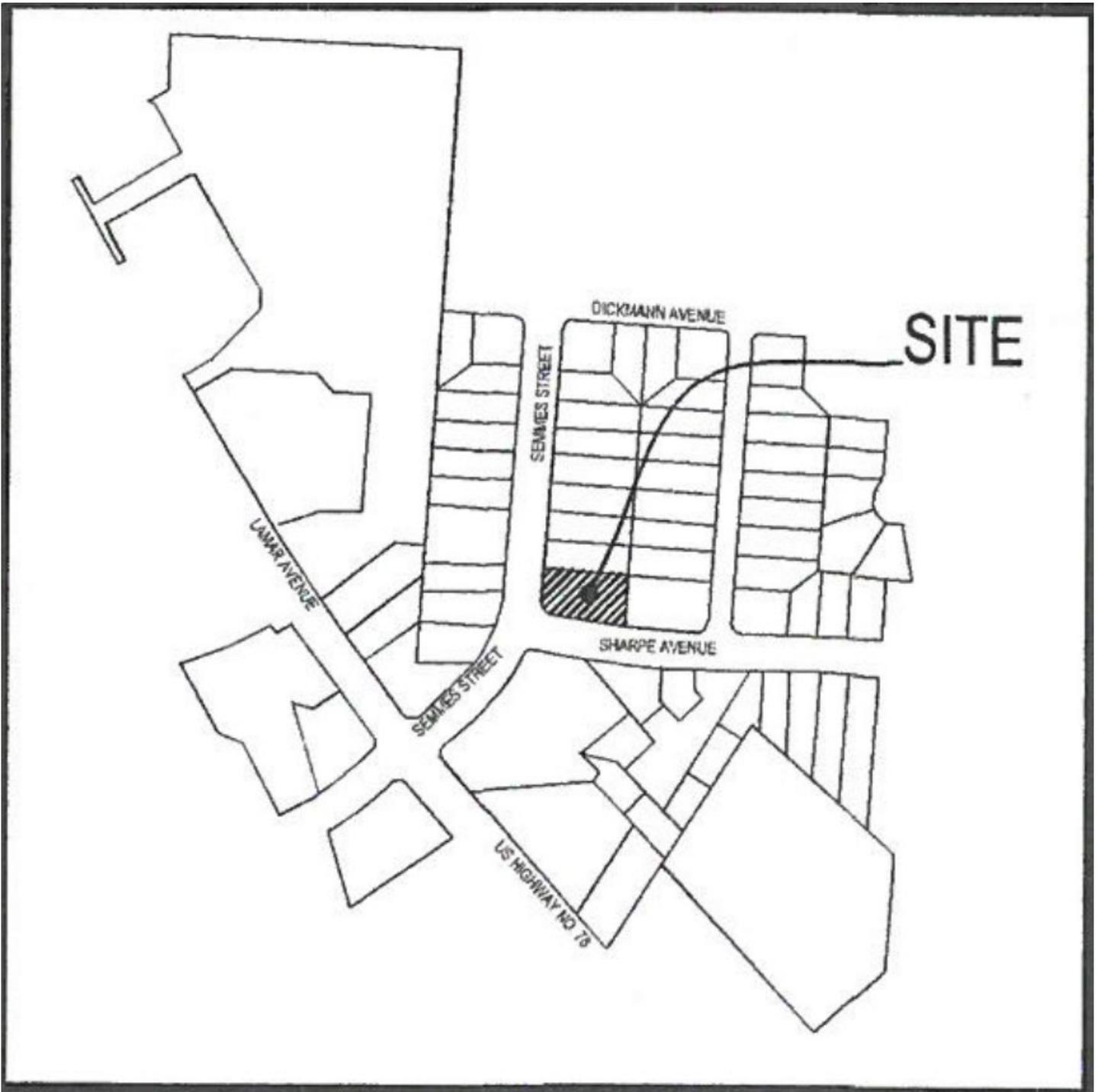
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 73 notices were mailed on 28 June 2021, and a total of two signs posted at the subject property. The sign affidavit has been added to this report.

SECTION B OF JOHNSON'S CHEROKEE SUBDIVISION (1950)



Subject property is Lot 246. Restrictive covenants may restrict this lot to residential uses only. The lot has 30' platted setbacks on both frontages, as well as a 5' utility easement along its eastern property line.

VICINITY MAP



AERIAL PHOTO WITH ZONING



Subject Zoning: Residential Urban – 1

Adjacent Zoning

North: Residential Urban – 1

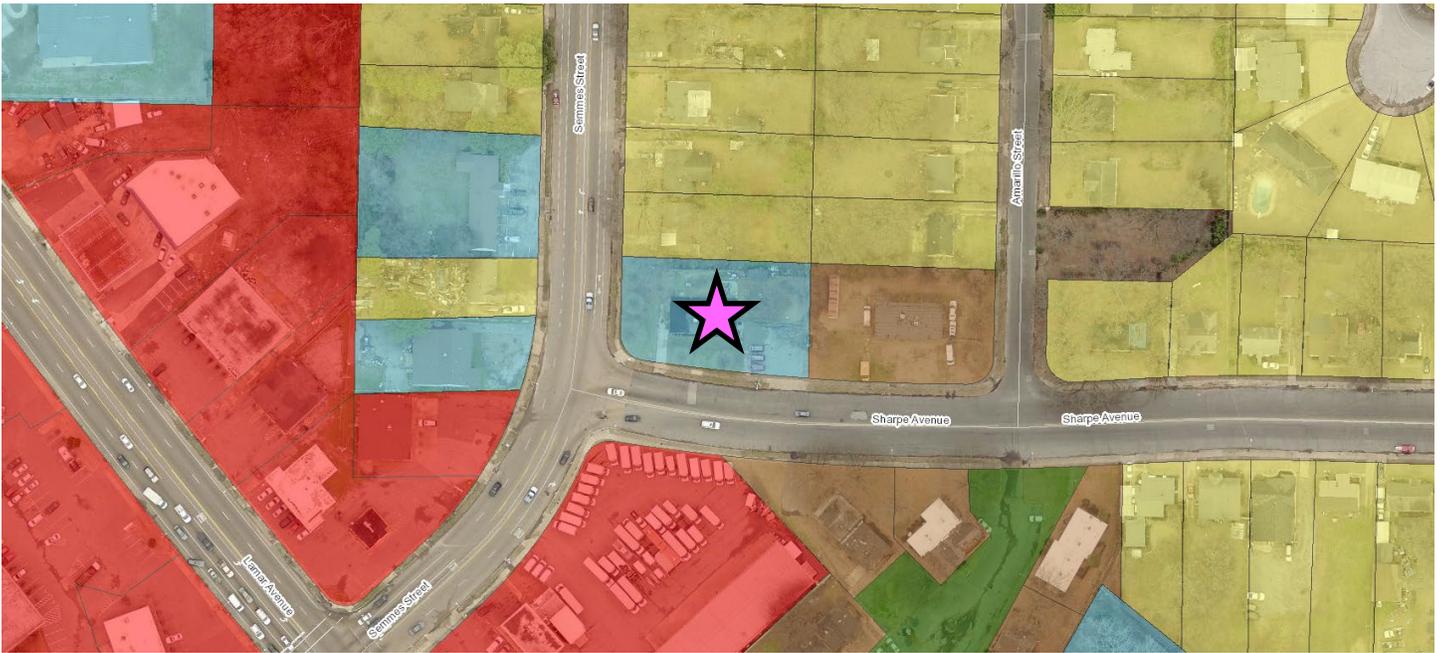
East: Residential Urban – 1

South: Commercial Mixed Use – 1 and Residential Urban – 3

West: Office General and Residential Urban – 1

**Note: Of the two properties adjacent to the west, the northernmost is incorrectly coded in the online zoning atlas. It was rezoned in 1971 to Office General. County GIS staff has been notified of this error.*

LAND USE MAP



Of the two civic uses on the west side of Semmes, the northern one is a church and the southern one is a day care center.

SITE PHOTOS



View of structure & backyard from Semmes



View east down Sharpe



View of structure from corner



View south down Semmes

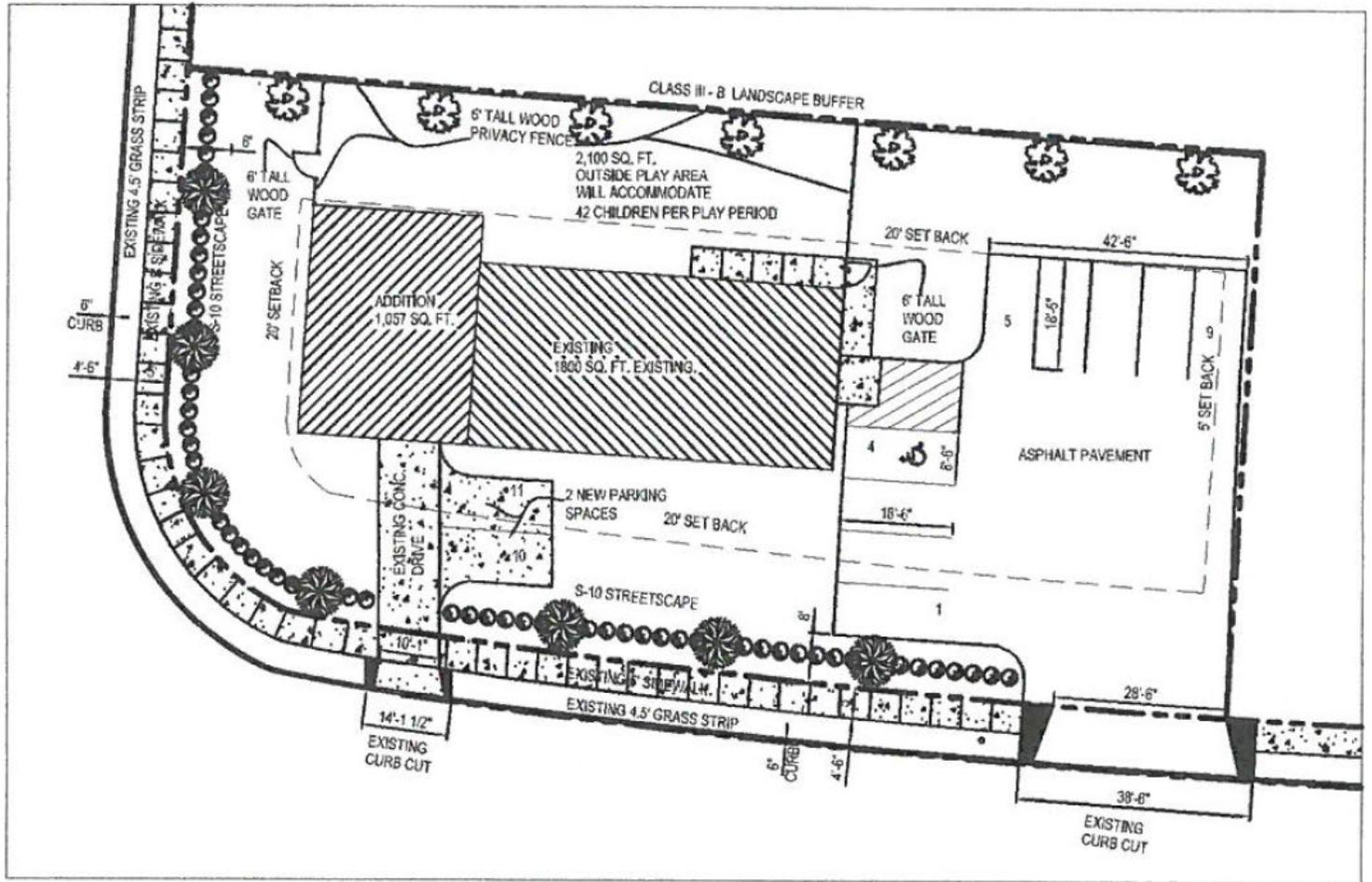


View of rear play area and fencing



View of parking area off Sharpe

PROPOSED CONCEPTUAL SITE PLAN



STAFF ANALYSIS

Request

The request is for a special use permit for a planned development to allow a day care center.

The application form and letter of intent have been added to this report.

Applicability

Staff **agrees** at least one of the objectives as set out in Section 4.10.2 of the Unified Development Code is or will be met.

4.10.2 Applicability

The governing bodies may, upon proper application, grant a special use permit for a planned development (see Chapter 9.6) for a tract of any size within the City or for tracts of at least three acres in unincorporated Shelby County to facilitate the use of flexible techniques of land development and site design, by providing relief from district requirements designed for conventional developments, and may establish standards and procedures for planned developments in order to obtain one or more of the following objectives:

- A. *Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.*
- B. *Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.*
- C. *Functional and beneficial uses of open space areas.*
- D. *Preservation of natural features of a development site.*
- E. *Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.*
- F. *Rational and economic development in relation to public services.*
- G. *Efficient and effective traffic circulation, both within and adjacent to the development site, that supports or enhances the approved transportation network.*
- H. *Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.*
- I. *Revitalization of established commercial centers of integrated design in order to encourage the rehabilitation of such centers in order to meet current market preferences.*
- J. *Provision in attractive and appropriate locations for business and manufacturing uses in well-designed buildings and provision of opportunities for employment closer to residence with a reduction in travel time from home to work.*
- K. *Consistency with the Memphis 3.0 General Plan.*

General Provisions

Staff **agrees** the general provisions standards and criteria as set out in Section 4.10.3 of the Unified Development Code are or will be met.

4.10.3 General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations of the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in this Chapter.

- A. *The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.*
- B. *An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.*
- C. *The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.*
- D. *Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.*
- E. *Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.*
- F. *Lots of record are created with the recording of a planned development final plan.*

Approval Criteria

Staff **agrees** the approval criteria in regard special use permits as set out in Section 9.6.9 of the Unified Development Code are met.

9.6.9 Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

- 9.6.9A *The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.*
- 9.6.9B *The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.*
- 9.6.9C *The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.*
- 9.6.9D *The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.*
- 9.6.9E *The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- 9.6.9F *The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.*
- 9.6.9G *The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.*
- 9.6.9H *Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.*

Site Description

The subject site is Lot 246 of Section B of Johnson’s Cherokee Subdivision. It has 86 linear feet of frontage on Semmes St. and 177 linear feet of frontage on Sharpe Ave. Both frontages have curbs, landscape strips, and sidewalks, but neither has overhead utilities. There are two curb cuts on Sharpe. The 1800-square foot structure was built in 1950. It has several signs painted directly on its façade. A rear play area is fenced in with chain link. Accessory structures include a storage shed.

Site Zoning History

In 1996, the Memphis City Council approved a special use permit for a child care center at this site. That special use permit was tied to the previous land owner, and in any case has expired from lack of use. The expired site plan and conditions of approval have been attached to this report.

Site Plan Review

Site plan review will be conducted during final plan review, if approved.

Consistency with Memphis 3.0

Staff uses the following criteria contained in Memphis 3.0 to determine consistency.

1. *The future land use designation: Primarily Single-Unit Neighborhood*



2. *The land use designation descriptions and graphic portrayals, including whether the proposed use is compatible with the zone districts listed in the zoning notes and the proposed building fit the listed form and location characteristics:*

Primarily Single-Unit Neighborhood

NS

Primarily Single-Unit Neighborhoods are located greater than a half-mile outside of any anchor destination. These neighborhoods contain mostly detached, house scale residences, serving mostly single-family style living. This is considered the typical suburban community that is not as walkable or accessible from an anchor.



Description/Intent	Residential neighborhoods consisting primarily of single-unit houses that are not near a Community Anchor.
Applicability	Places that consist of single unit houses and are not physically connected through streets and paths to at least one Citywide or Community Anchor.
Goals/Objectives	Preservation/maintenance of existing single family housing stock and neighborhoods
Performance Metrics	Stable/positive occupancy trends
Zoning Notes	Generally compatible with the following zone districts: R-E, R-15, R-10, R-8, R-6 in accordance with Form and characteristics listed below. Consult zoning map and applicable overlays for current and effective regulations. Changes unlikely; may consider rezonings, as appropriate, at the time of a small area plan.
Form and Location Characteristics	Primarily detached House-scale buildings Primarily residential 1-3 stories Beyond 1/2 mile from a Community Anchor

3. *Existing, adjacent land uses and zoning:* Underlying zoning allows child care centers by special use permit. Nearby land uses include a child care center.

This proposal is **consistent** with the Memphis 3.0 General Plan.

Conclusions

The applicant has requested a special use permit for a planned development. This development would consist of a child care center.

Although the underlying zoning permits child care centers by special use permit, the Unified Development Code (UDC) requires that child care centers within residential zoning districts have a minimum lot size of 20,000 square feet. Because the subject lot has an area of less than 20,000 square feet, a special use permit application for a child care center is not an option without a variance or planned development.

Section B of Johnson's Cherokee Subdivision imposes 30' setbacks on both of the lot's frontages. Approval of this request would remove the lot from that subdivision, thereby eliminating the platted setbacks and allowing the proposed building expansion.

In 1996, the Memphis City Council approved a special use permit for a child care center at this site. That special use permit was tied to the previous land owner, and in any case has expired from lack of use per UDC Sub-Section 9.6.14C.

To approve this request, City Council must find that at least one of the planned development objectives is met, and that all planned development general provisions and special use permit criteria have been met.

Staff recommends approval based largely upon the site's prior legislative approval as a child care center.

RECOMMENDATION

Staff recommends *approval* with the following outline plan conditions:

- I. Uses Permitted
 - a. A maximum of one child care center
 - i. The final plan shall note the maximum number of children allowed on site at any one time in accordance with the following standards.
 1. A minimum of 30 square feet of usable indoor play and nap area – exclusive of restrooms, hallways, and office space – shall be provided per child on site.
 2. A minimum of 50 square feet of usable outdoor play area shall be provided per child on site.
 - ii. Operation shall not be permitted outside the hours of 7 a.m. to 6 p.m.; additionally, operation shall not be permitted on Saturday or Sunday.
 - iii. Lighting shall not glare onto adjacent residential properties.
 - b. Other uses as permitted by the Residential Urban – 1 zoning district
- II. Bulk Standards
 - a. A maximum of one lot shall be permitted.
 - i. There shall be no minimum lot size associated with child care centers.
 - b. The building setback, parking setback, and height standards shall be in accordance with the Residential Urban – 1 zoning district.
- III. Signage
 - a. Signage shall be permitted in accordance with residential sign standards.
 - b. Excepting duly permitted attached signs, no signs, pictures, or icons shall be placed or painted on the building. Any such existing signs shall be removed.
- IV. Final Plan
 - a. All Unified Development Code standards not otherwise varied by the outline plan conditions shall be enforced as if zoned Residential Urban – 1.
 - b. The final plan shall include all plans necessary to demonstrate compliance with the outline plan conditions, including, but not limited to, a site plan, landscape plan, floor plan, and sign plan.

DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

City Engineer:

1. Standard Subdivision Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

2. City sanitary sewers are available to serve this development.
3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

Roads:

4. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
5. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.

Traffic Control Provisions:

6. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb, gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5 foot wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5 foot clear pedestrian path, an exception may be considered.
7. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
8. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

9. The City Engineer shall approve the design, number and location of curb cuts.

10. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
11. The edge of the eastern curb cut must be at least five (5) feet from the property line.

Drainage:

12. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.

City Fire Division:

Reviewed by: J. Stinson

- All design and construction shall comply with the 2015 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternate methods of protection are provided.
- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

City Real Estate:	No comments received.
County Health Department:	No comments received.
Shelby County Schools:	No comments received.
Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	No comments received.
Dept. of Sustainability and Resilience:	No comments received.
Dept. of Comprehensive Planning:	No comments received.

APPLICATION FORM



Memphis and Shelby County
Office of Planning and Development
CITY HALL, 125 NORTH MAIN STREET-SUITE 477 MEMPHIS, TENNESSEE 38103-2084 (901) 636-6619

**APPLICATION FOR SPECIAL USE PERMIT
APPROVAL/AMENDMENT**

Date: 05.05.2021

Case #: _____

PLEASE TYPE OR PRINT

Property Owner of Record: Cedric Peete Phone #: 901.550.2257 & 901.374.8362

Mailing Address: 3815 LAKEHURST DRIVE City/State: MEMPHIS Zip 38128

Property Owner E-Mail Address: carryingeveryday@icloud.com & hobsonkaycey@yahoo.com

Applicant: Cedric Peete & Kaycey Hobson Phone # 901.550.2257 & 901.374.8362

Mailing Address: 3815 LAKEHURST DRIVE City/State: MEMPHIS Zip 38128

Applicant E-Mail Address: carryingeveryday@icloud.com & hobsonkaycey@yahoo.com

Representative: DELINOR SMITH Phone #: 901.690.3944

Mailing Address: 3831 LAKEHURST DRIVE City/State: MEMPHIS, TN Zip 38128

Representative E-Mail Address: dsmith920@comcast.net

Engineer/Surveyor: _____ Phone # _____

Mailing Address: _____ City/State: _____ Zip _____

Engineer/Surveyor E-Mail Address: _____

Street Address Location: 3046 Sharpe Ave.

Distance to nearest intersecting street: At the northeast corner of the intersection of Sharpe Ave. and Semmes Street.

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	.397 acres	_____	_____
Existing Zoning:	RU-1	_____	_____
Existing Use of Property	Vacant Childcare Center	_____	_____
Requested Use of Property	Childcare Center	_____	_____

Amendment(s): Any revision to an approved Special Use Permit that does not meet the provisions for Major or Minor Modifications shall be proposed as an amendment. Time extensions (see Subsection 9.6.14B of the UDC) to and requests to exceed 24-month limitation on discontinuance (see Subsection 9.6.14C) of approved special use permits shall be processed as major modifications, subject to the provisions of Chapter 9.16.
Yes ___ No X

Unincorporated Areas: For residential projects in unincorporated Shelby County, please provide the following information:

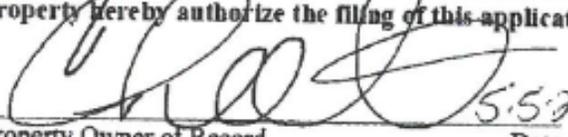
Number of Residential Units: N/A Bedrooms: _____

Expected Appraised Value per Unit: _____ or Total Project: _____

**Note: This application was converted to a Planned Development application following initial submission.*

Variations: If the Office of Planning and Development (OPD) determines your submitted site plan requires Board of Adjustment (BOA) action on a particular standard of the Unified Development Code, this application will not be heard by the Land Use Control Board (LUCB) until an application is submitted to the BOA. Once a BOA application is received by OPD, OPD will proceed to send any public notices, including neighborhood meeting notification, for the next available LUCB meeting. Notices will not be sent out prior to a BOA application being received. All neighborhood notification and public notices shall meet the timing provided in Sections 9.3.2 and 9.3.4 of the UDC. In lieu of a BOA application being filed, this application for a Special Use Permit may be replaced with an application for a Planned Development within 14 days of the filing deadline for this application, unless the site is located within the Medical Overlay District (see Sec. 8.2.2D of the UDC). If neither a Board of Adjustment nor a Planned Development application is received within 90 days of the filing deadline for this application, then this application shall be considered defective and withdrawn from any future consideration by the Land Use Control Board.

I (we) hereby make application for the Special Use Permit described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.


Property Owner of Record
Date 5.5.21 Applicant J. Hobson Date 5.5.21

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: APRIL 2021 with JEFFERY PENZES

NEIGHBORHOOD MEETING – At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2). The following documentation shall be provided to OPD to verify compliance with this requirement: A copy of the letter sent to neighborhood associations and abutting property owners and a copy of the mailing list used to send notice.

Neighborhood Meeting Requirement Met: Yes Not yet
(If yes, documentation must be included with application materials)

SIGN POSTING – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

9.6.9 Special Use Permit Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare (UDC sub-section 9.6.9A).
This location is within close proximity to a school apartments and residential developments and was previously used as a childcare facility. The childcare business will not effect the public health, safety and general welfare of the neighborhood.
- The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations (UDC sub-section 9.6.9B). The existing structure was built in 1951 and was operated as a childcare center for more than 20 years. The new owner is proposing a 1, 059 sq. ft. addition that will stay in character with the exiting exter facade and adjacen structures. The project will be operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property.
- The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services (UDC sub-section 9.6.9C). The public facilities and services are adaaquate for the requested use of this structure.
- The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance (UDC sub-section 9.6.9D).
This existing structure and the proposed 1,056 sq. ft. addition will be compatable with the surrounding structures within the neighborhood.
- The project complies with all additional standards imposed on it by any particular provisions authorizing such use (UDC sub-section 9.6.9E). This project will comply with all local and state agencies that govern the child care business and facilities.
- The request will not adversely affect any plans to be considered (see UDC Chapter 1.9) or violate the character of existing standards for development of the adjacent properties (UDC sub-section 9.6.9F).

The approval of this application will not affect any plans to be considered of violate the character of existing standards for development o fht adjacent properties. All required buffer and street scapes will be install as needed.

LETTER OF INTENT

LETTER OF INTENT

Mrs. Kaycey Hobson, the developer, is requesting approval of a special use permit for the property located at 3046 Sharpe Ave. This 1,800 sq. ft. structure has been previously use as a childcare facility for an estimated fifteen or more years by the previous owners but has been vacant for more than two years. The 1 story structure was constructed in 1951 and sets on a .397 acre parcel in an RU-1 District.

Mrs. Kaycey Hobson plan to reopen the business and construct a 1,059 sq. ft. addition. This will allow the building to accommodate as estimate 60 children. Approval of this application will allow the owner to provide needed childcare services to the community.

Delinor D. Smith, of Smith Building Design and Associates, Inc. is the representative.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, DELINOR SMITH, being duly sworn, depose and say that at 12:01 p.m. on the 22nd day of JUNE, 20021, I posted a Public Notice Sign(s) pertaining to Case No. SUP 21-10 at 3046 SHARPE AVE. (address) providing notice of a Public Hearing before the X Land Use Control Board, X Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (Planned Development, X Special Use Permit, Use Variance, Zoning District Map Amendment), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Delinor Smith
Owner, Applicant or Representative

6-22-21
Date

Subscribed and sworn to before me this 22nd day of June, 20021.

Monique Richardson
Notary Public

My commission expires: MY COMMISSION EXPIRES MAY 08, 2023



LETTERS RECEIVED

No letters received at the time of publication of this report.

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 3 August 2021

DATE

PUBLIC SESSION: 3 August 2021

DATE

ITEM (CHECK ONE)

ORDINANCE CONDEMNATIONS GRANT ACCEPTANCE / AMENDMENT
 RESOLUTION GRANT APPLICATION REQUEST FOR PUBLIC HEARING
 OTHER: _____

ITEM DESCRIPTION: A resolution approving a special use permit for a planned commercial development

CASE NUMBER: PD 21-15

DEVELOPMENT: Broad Avenue Plaza Planned Development

LOCATION: 2977 Broad Avenue

COUNCIL DISTRICTS: District 5 and Super District 9

OWNER: MVS Real Estate Mid Town, LLC

APPLICANT: Spire Enterprises

REPRESENTATIVE: John Behnke

EXISTING ZONING: Residential – 6 and Commercial Mixed Use – 1

REQUEST: Special use permit for a planned commercial development

AREA: 1.6 acres

RECOMMENDATION: The Division of Planning and Development recommended: *Rejection*
 The Land Use Control Board recommended: *Approval with outline plan conditions*

RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
 10 June 2021 DATE
 (1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION
 (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) _____ REQUIRES CITY EXPENDITURE - (1) YES (2) NO
 \$ _____ AMOUNT OF EXPENDITURE
 \$ _____ REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

\$ _____ OPERATING BUDGET
 \$ _____ CIP PROJECT # _____
 \$ _____ FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
_____	_____	MUNICIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ZONING ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

PD 21-15

Resolution approving a special use permit for a planned commercial development:

- This item is a resolution approving a special use permit for a planned commercial development with outline plan conditions;
- The development would include gas pumps;
- The Division of Planning & Development sponsors this resolution at the request of the Owner: MVS Real Estate Mid Town, LLC; Applicant: Spire Enterprises; and Representative: John Behnke; and
- This resolution, if approved, would supersede the existing zoning of this property.

RESOLUTION APPROVING A SPECIAL USE PERMIT FOR A PLANNED COMMERCIAL DEVELOPMENT AT 2977 BROAD AVE., KNOWN AS CASE NUMBER PD 21-15.

WHEREAS, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a special use permit for a planned development to achieve certain objectives in the various zoning districts; and

WHEREAS, Spire Enterprises filed an application with the Memphis and Shelby County Division of Planning and Development for a special use permit for a planned commercial development; and

WHEREAS, the Division of Planning and Development has received and reviewed the application in accordance with procedures, objectives and standards for planned commercial developments as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and compatibility of the design and amenities with the public interest; and has submitted its findings and recommendation, including recommended outline plan conditions, concerning the above considerations to the Memphis and Shelby County Land Use Control Board; and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on June 10, 2021, and said Board has submitted its recommendation, including recommended outline plan conditions, concerning the above application to the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned application pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said development is consistent with the Memphis 3.0 General Plan; and

WHEREAS, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and has determined that said development meets the objectives, standards, and criteria for a special use permit for a planned commercial development.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a special use permit for a planned commercial development is hereby granted in accordance with the attached outline plan conditions.

BE IT FURTHER RESOLVED, this resolution exempts this property from the gas station moratorium approved by the Council of the City of Memphis on March 16, 2021.

BE IT FURTHER RESOLVED, that the requirements of the aforementioned chapter of the Unified Development Code shall be deemed to have been complied with; that the outline plan shall bind the applicant, owner, mortgagee, if any, and the Council with respect to the contents of said plan; and the applicant and/or owner may file a final plan in accordance with said outline plan and the provisions of Section 9.6.11 of the Unified Development Code.

OUTLINE PLAN CONDITIONS

I. Permitted Uses, Building Envelope Standards, and General Development Standards

A. As if zoned Commercial Mixed Use – 2, with the following exceptions:

- i. The maximum height shall be 48 feet.
- ii. A Class III landscape buffer shall be installed along the western property line.
- iii. No outdoor display, storage, or sales shall be permitted, with the exception of gas sales.
- iv. No window signs or plastic signs shall be permitted.
- v. All facades that front Tillman shall have a minimum transparency of 70% as measured between 3 and 8 feet from the finished walk. Side facades shall have a minimum transparency of 30% as measured between 3 and 8 feet from the finished walk. Rear facades shall not have a transparency requirement.
- vi. All facades shall be of masonry construction, unless otherwise approved by the Zoning Administrator. Artificial architectural features such as faux windows shall not be permitted. Plastic awnings shall not be permitted.

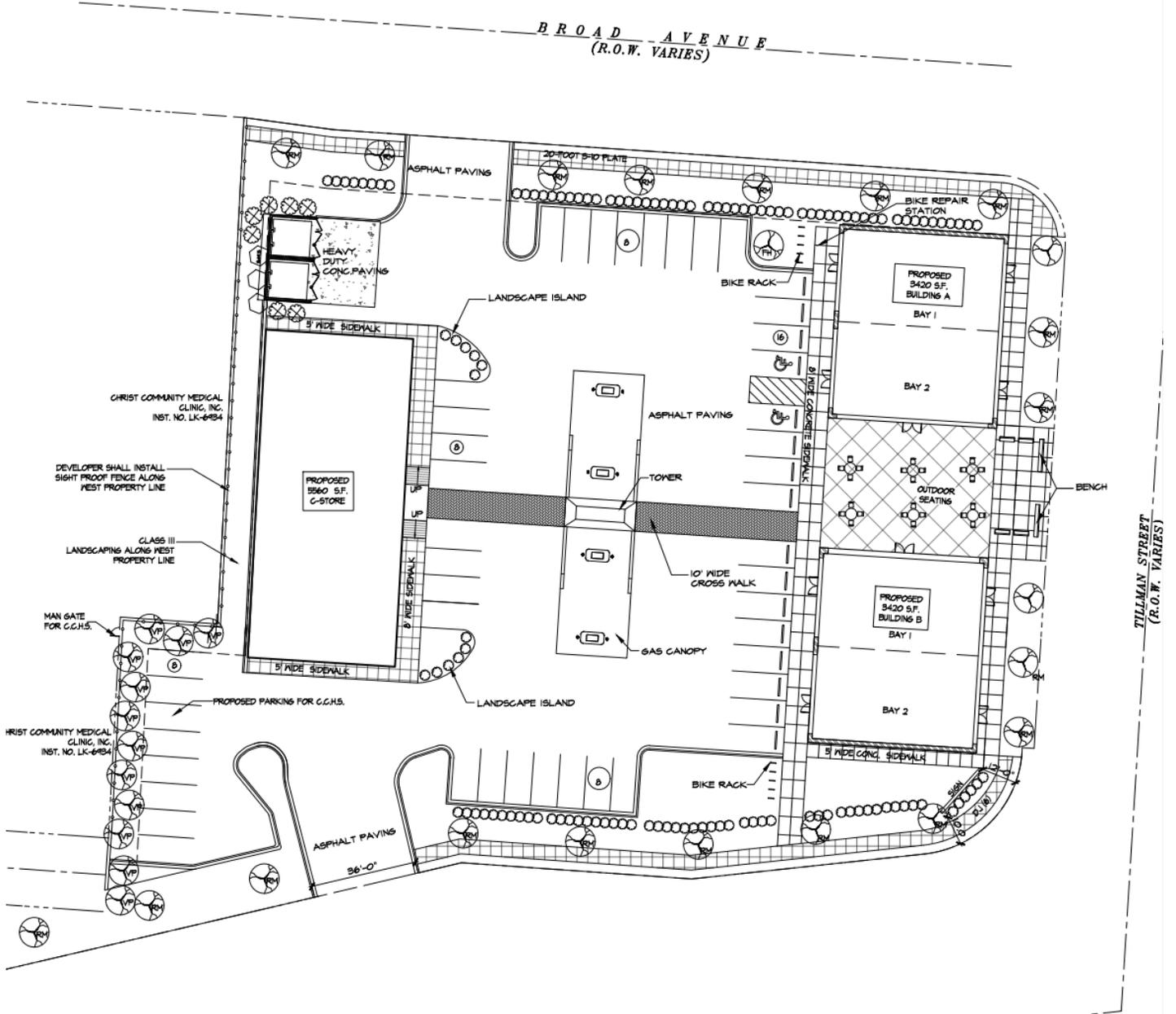
II. Site Design

- A. The convenience store shall be to the west of the gas canopy. Other retail shall be to the east of the gas canopy. Robust pedestrian facilities constructed of unique pavers or a similar material shall connect the western and eastern retail areas to each other – as well as to public sidewalks, bicycle parking, etc. Such facilities should incorporate a thoughtfully-designed, covered or uncovered pedestrian area between the eastern retail bays that may double as a quasi-public space and center entryway. Special consideration shall be given to the coordination, placement, and screening of utilities.
- B. All primary entrances and facades shall front Tillman. Secondary customer entrances that front the north or south may be permitted. However, customer entrances shall not be permitted to front the west; such rear entrances may be permitted as service entrances.
 - i. If – within the eastern retail area – a retail bay is not within 20 feet of the Tillman facade, staff may permit primary entrances that do not front the east.
- C. Access points shall be offset to discourage cut-through traffic.
- D. A bicycle repair stand and air pump, specifications of which shall be approved administratively, shall be installed for public use.
- E. Final site design shall be subject to administrative approval.

III. Final Plan

- A. A traffic impact study and traffic signal warrant analysis shall be conducted. If warranted, a traffic signal at the intersection of Broad and Tillman shall be designed and installed by the applicant. Such design shall address the Hampline bicycle corridor.
- B. Approval by the City Engineer may be required.
- C. If adjacent Autumn Ave. right-of-way is closed, that land may be incorporated into this planned development subject to administrative approval.

CONCEPTUAL SITE PLAN



ATTEST:

- CC:** Division of Planning and Development
- Land Use and Development Services
 - Construction Enforcement

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday 10 June 2021**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	PD 21-15
DEVELOPMENT:	Broad Avenue Plaza Planned Development
LOCATION:	2977 Broad Ave.
COUNCIL DISTRICT(S):	District 5 and Super District 9
OWNER:	MVS Real Estate Mid Town, LLC
APPLICANT:	Spire Enterprises
REPRESENTATIVE:	John Behnke
REQUEST:	Special use permit for a planned commercial development
EXISTING ZONING:	Residential – 6 and Commercial Mixed Use – 1
AREA:	1.6 acres

The following spoke in support of the application: John Behnke

The following spoke in opposition the application: None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with outline plan conditions. Those conditions are attached.

The motion *passed*.

LUCB'S RECOMMENDED OUTLINE PLAN CONDITIONS

- I. Permitted Uses, Building Envelope Standards, and General Development Standards
 - A. As if zoned Commercial Mixed Use – 2, with the following exceptions:
 - i. The maximum height shall be 48 feet.
 - ii. A Class III landscape buffer shall be installed along the western property line.
 - iii. No outdoor display, storage, or sales shall be permitted, with the exception of gas sales.
 - iv. No window signs or plastic signs shall be permitted.
 - v. All facades that front Tillman shall have a minimum transparency of 70% as measured between 3 and 8 feet from the finished walk. Side facades shall have a minimum transparency of 30% as measured between 3 and 8 feet from the finished walk. Rear facades shall not have a transparency requirement.
 - vi. All facades shall be of masonry construction, unless otherwise approved by the Zoning Administrator. Artificial architectural features such as faux windows shall not be permitted. Plastic awnings shall not be permitted.
- II. Site Design
 - A. The convenience store shall be to the west of the gas canopy. Other retail shall be to the east of the gas canopy. Robust pedestrian facilities constructed of unique pavers or a similar material shall connect the western and eastern retail areas to each other – as well as to public sidewalks, bicycle parking, etc. Such facilities should incorporate a thoughtfully-designed, covered or uncovered pedestrian area between the eastern retail bays that may double as a quasi-public space and center entryway. Special consideration shall be given to the coordination, placement, and screening of utilities.
 - B. All primary entrances and facades shall front Tillman. Secondary customer entrances that front the north or south may be permitted. However, customer entrances shall not be permitted to front the west; such rear entrances may be permitted as service entrances.
 - i. If – within the eastern retail area – a retail bay is not within 20 feet of the Tillman facade, staff may permit primary entrances that do not front the east.
 - C. Access points shall be offset to discourage cut-through traffic.
 - D. A bicycle repair stand and air pump, specifications of which shall be approved administratively, shall be installed for public use.
 - E. Final site design shall be subject to administrative approval.
- III. Final Plan
 - A. A traffic impact study and traffic signal warrant analysis shall be conducted. If warranted, a traffic signal at the intersection of Broad and Tillman shall be designed and installed by the applicant. Such design shall address the Hampline bicycle corridor.
 - B. Approval by the City Engineer may be required.
 - C. If adjacent Autumn Ave. right-of-way is closed, that land may be incorporated into this planned development subject to administrative approval.

AGENDA ITEM: 12

CASE NUMBER: PD 21-15 L.U.C.B. MEETING: 10 June 2021
DEVELOPMENT: Broad Avenue Plaza Planned Development
LOCATION: 2977 Broad Avenue
COUNCIL DISTRICT: District 5 and Super District 9
OWNER: MVS Real Estate Mid Town, LLC
APPLICANT: Spire Enterprises
REPRESENTATIVE: John Behnke
REQUEST: Special use permit for a planned commercial development
AREA: 1.6 acres
EXISTING ZONING: Residential – 6 and Commercial Mixed Use – 1

CONCLUSIONS (p. 21)

- Spire Enterprises has requested a special use permit for a planned commercial development with gas pumps.
- The site is split-zoned between Residential – 6 (R-6) and Commercial Mixed Use – 1 (CMU-1). The south third, along Sam Cooper, is zoned R-6, whereas the northern two thirds, along Broad, are zoned CMU-1. The site is also partially overlaid with a 2015 planned development that ties the land, including some residentially-zoned sections, to CMU-1 zoning. No outline or final plan was ever recorded, and that approval is set to expire in December 2021. The present request concerns a greater area than the 2015 approval. For this reason, it is considered a new planned development, rather than an amendment.
- In February 2021, the Memphis City Council and Shelby County Board of Commissioners approved a zoning text amendment that restricted gas pumps in the CMU-1 district. Today, no gas pumps are permitted by right in the CMU-1 district; any proposed gas pumps in that district require legislative approval.
- The purpose of this zoning text amendment was: 1) to bring the CMU-1 district's permitted uses closer in line with its intent as a neighborhood-oriented zone in which "auto-oriented uses are not appropriate;" and 2) to address Memphis's high rate of gas stations per capita as compared to other Shelby County municipalities and other sister cities. In addition, there is presently a City-wide moratorium on new gas pumps to allow the Council time to study this latter matter.
- The subject site is less than 30 feet from single-family houses within a single-family residential zoning district to its west. It also adjacent to an existing convenience store with gas sales on the north side of Broad. Additionally, it is cater-corner to a retail center emphasizing community economic development owned by the public nonprofit Economic Development Growth Engine to the southeast. On the south side of Sam Cooper is the newly-built, Black-led Collage Dance Collective ballet house. Contemporary commercial development includes the nearby Hampline Brewery, opened in early 2021.
- The just-completed Hampline, part of the City's signature bicycle corridor, wraps around the site's Broad and Tillman frontages. Increased traffic associated with gas sales may jeopardize bicyclist safety.
- Given recent policy changes regarding gas sales in the CMU-1 district, the site's adjacency to both single-family houses and existing gas pumps, the character of recent development activity in the area, and the site's location on the Hampline, staff finds that an up-zoning for the purpose of permitting gas sales does not meet the approval criteria.
- Staff has recommended certain changes to the site design, if approved, to orient the development towards Tillman and the public domain. As proposed by the applicant, all entrances face backward into the parking area, while a blank back wall with utilities and service doors fronts Tillman.

CONSISTENCY WITH MEMPHIS 3.0 (pp. 25-27)

Per the Dept. of Comprehensive Planning, this request is *inconsistent* with the Memphis 3.0 Comprehensive Plan.

RECOMMENDATION (p. 22)

Rejection

GENERAL INFORMATION

Street Frontage:	Tillman Street	(Minor Arterial)	169 linear feet
	Sam Cooper Boulevard	(Minor Arterial)	388 curvilinear feet
	Broad Avenue	(Major Collector)	258 linear feet

Zoning Atlas Page: 2035

Parcel ID: 037039 00009C

Existing Zoning: Residential – 6 and Commercial Mixed Use – 1

NEIGHBORHOOD MEETING

The required neighborhood meeting was held on-site at 6 p.m. on 26 May 2021.

PUBLIC NOTICE

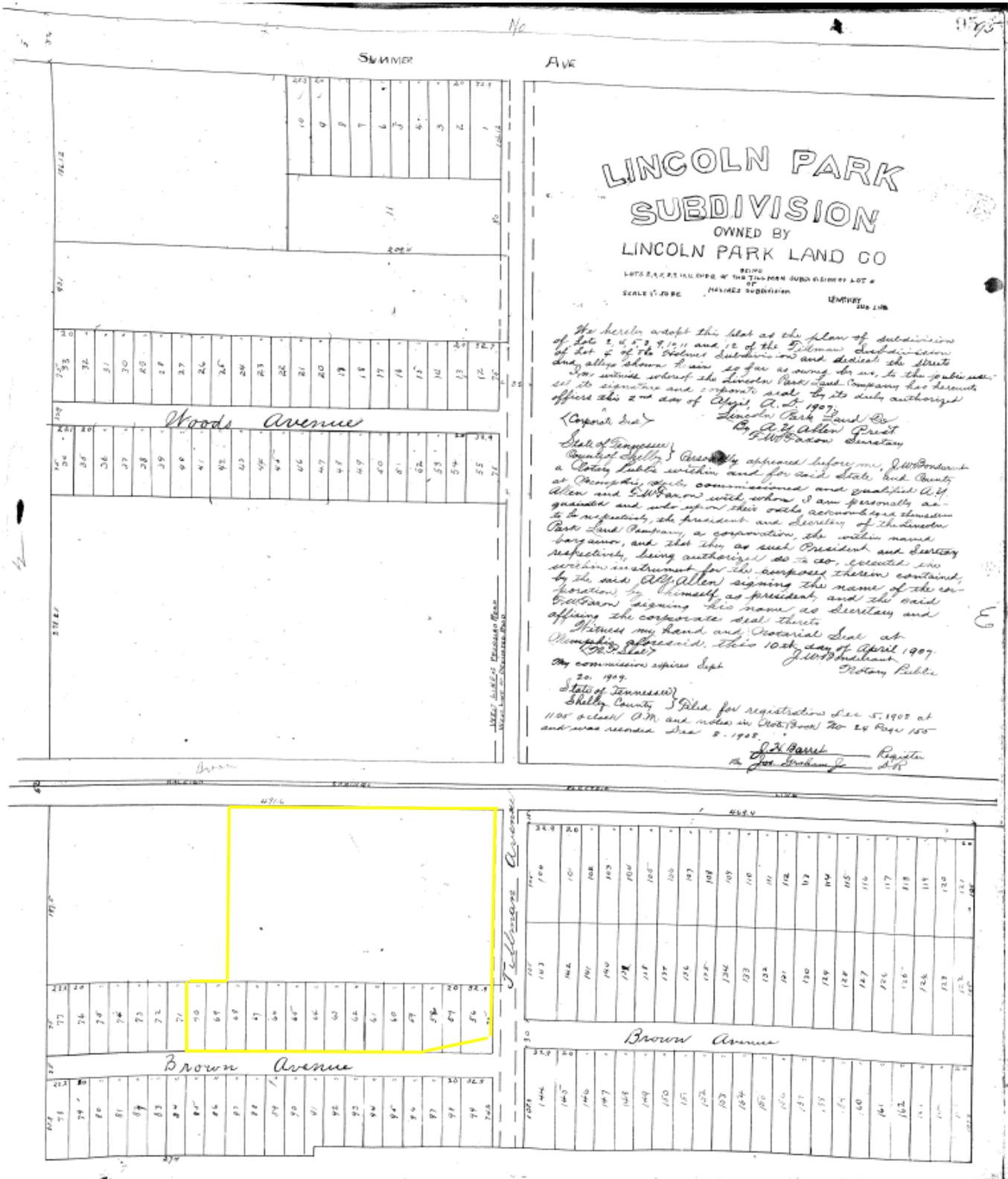
In accordance with Sub-Section 9.3.4A of the Unified Development Code (UDC), a notice of public hearing is required to be mailed and signs posted. A total of 86 notices were mailed on 28 May 2021, and a total of three sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



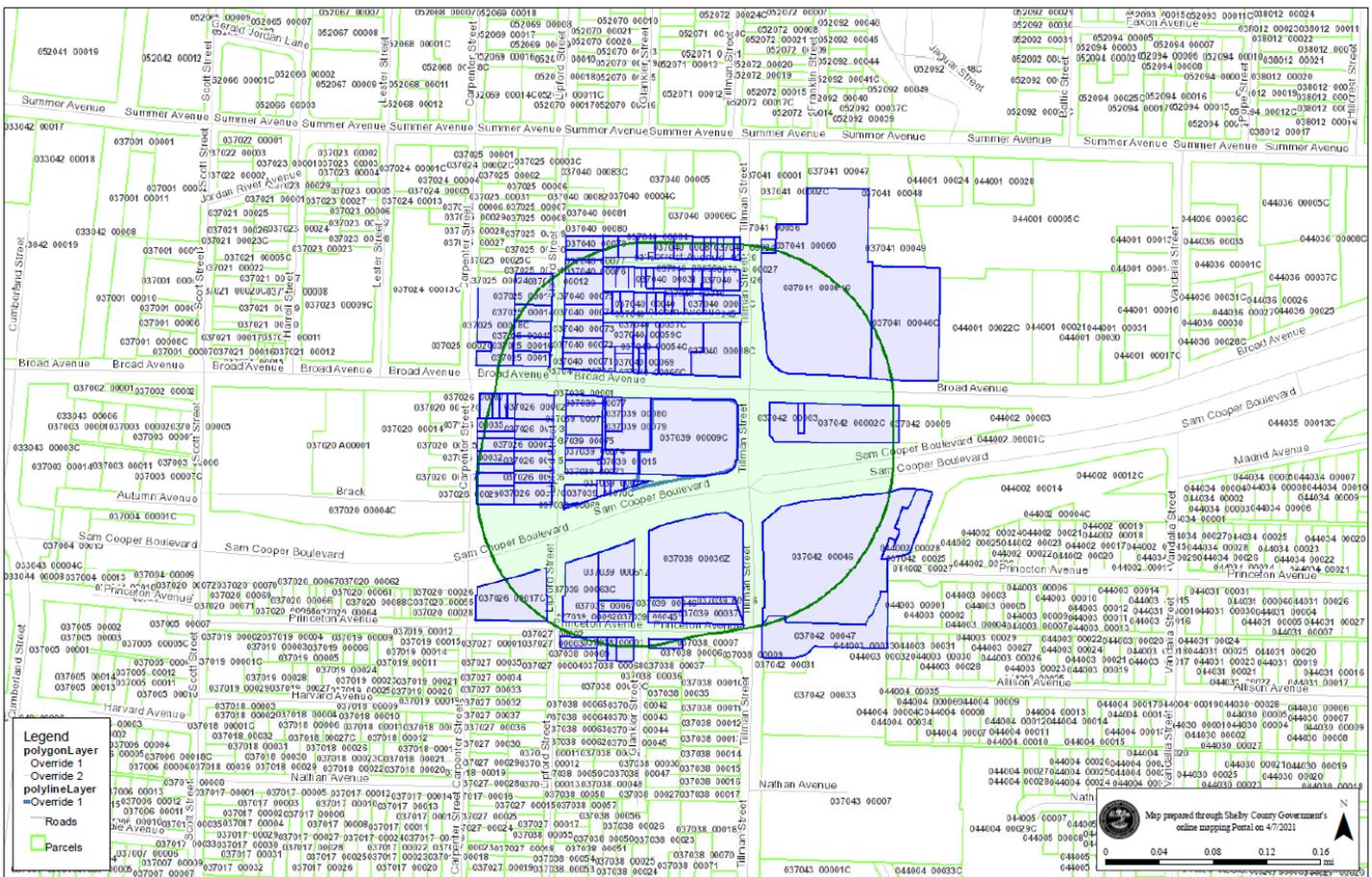
Subject property located in Binghamton

LINCOLN PARK SUBDIVISION (1908)



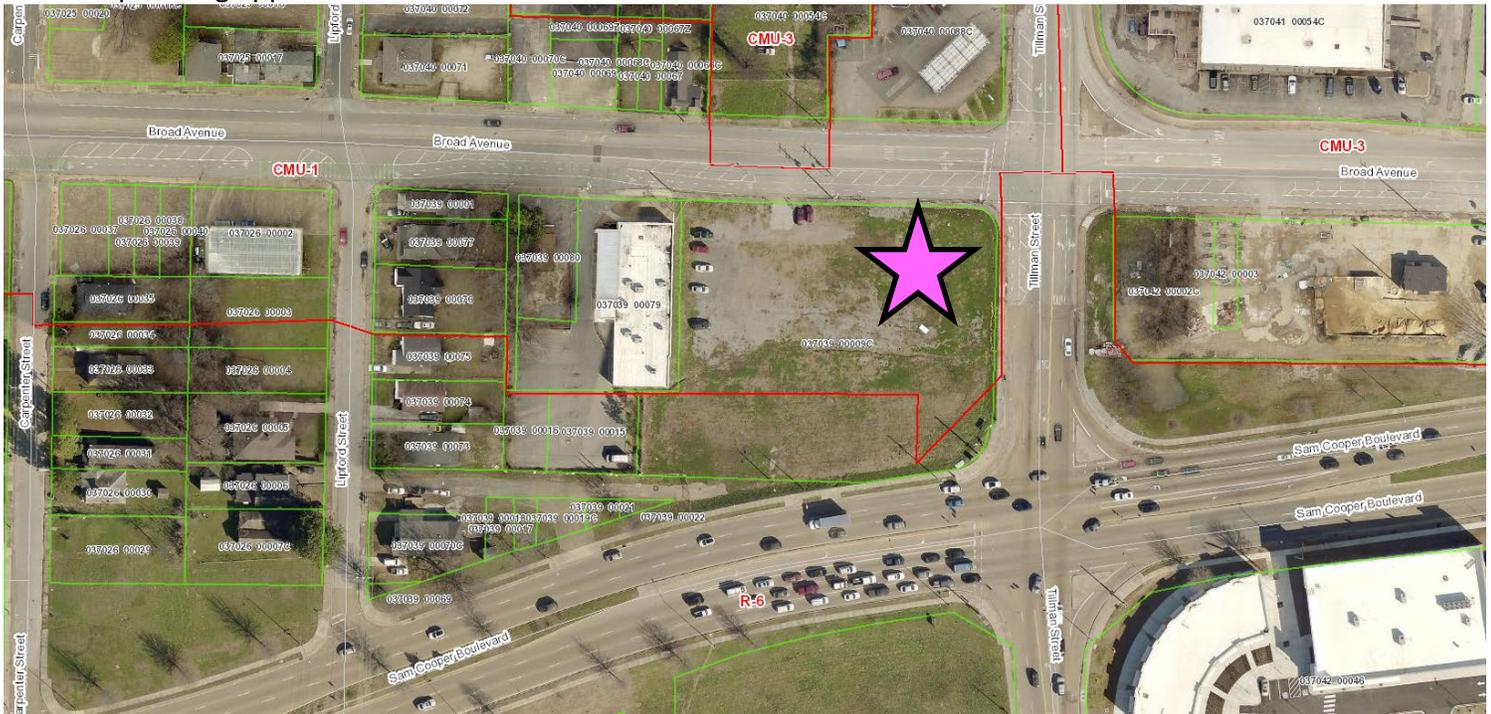
Property boundaries outlined roughly in yellow. No survey was submitted.

VICINITY MAP



AERIAL PHOTO WITH ZONING

Without planning applications



Existing Zoning: Residential – 6 and Commercial Mixed Use – 1

Surrounding Zoning

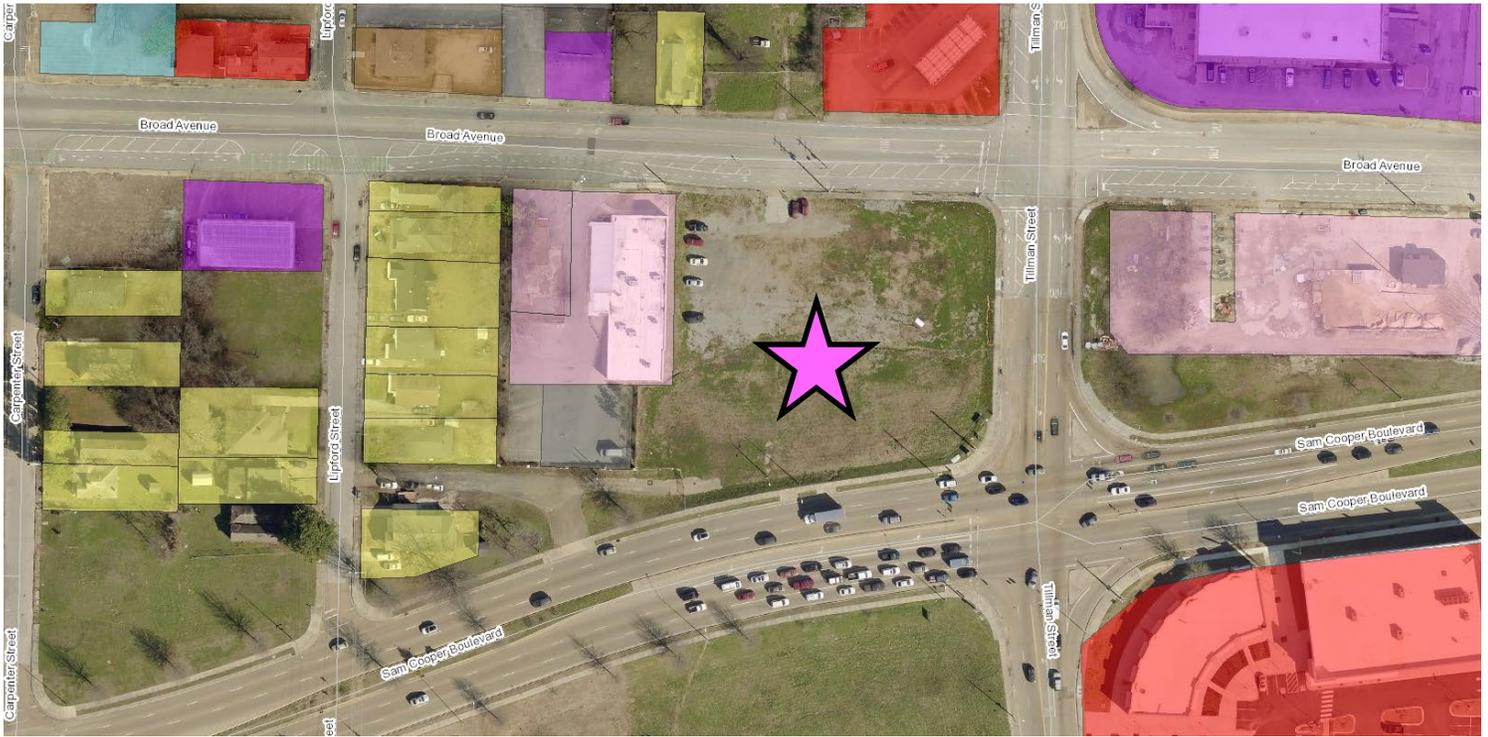
North: Commercial Mixed Use – 1 and Commercial Mixed Use – 3

East: Commercial Mixed Use – 3

South: Residential – 6

West: Residential – 6 and Commercial Mixed Use – 1

LAND USE MAP



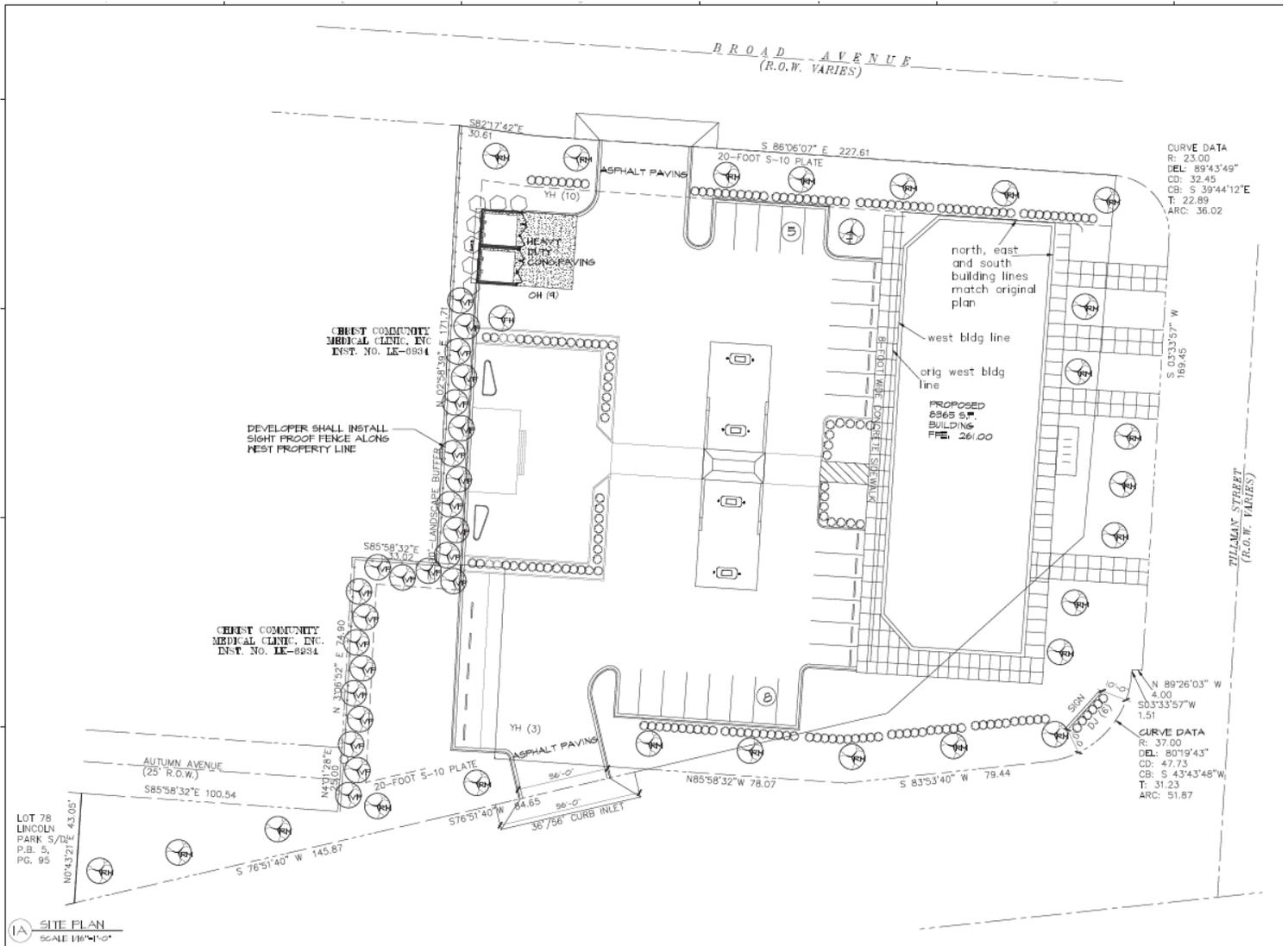
-  COMMON AREA LAND
-  SINGLE-FAMILY
-  MULTI-FAMILY
-  INSTITUTIONAL
-  COMMERCIAL
-  OFFICE
-  INDUSTRIAL
-  PARKING
-  RECREATION/OPEN SPACE
-  VACANT

SITE PHOTO



View of part of site, looking east down Sam Cooper

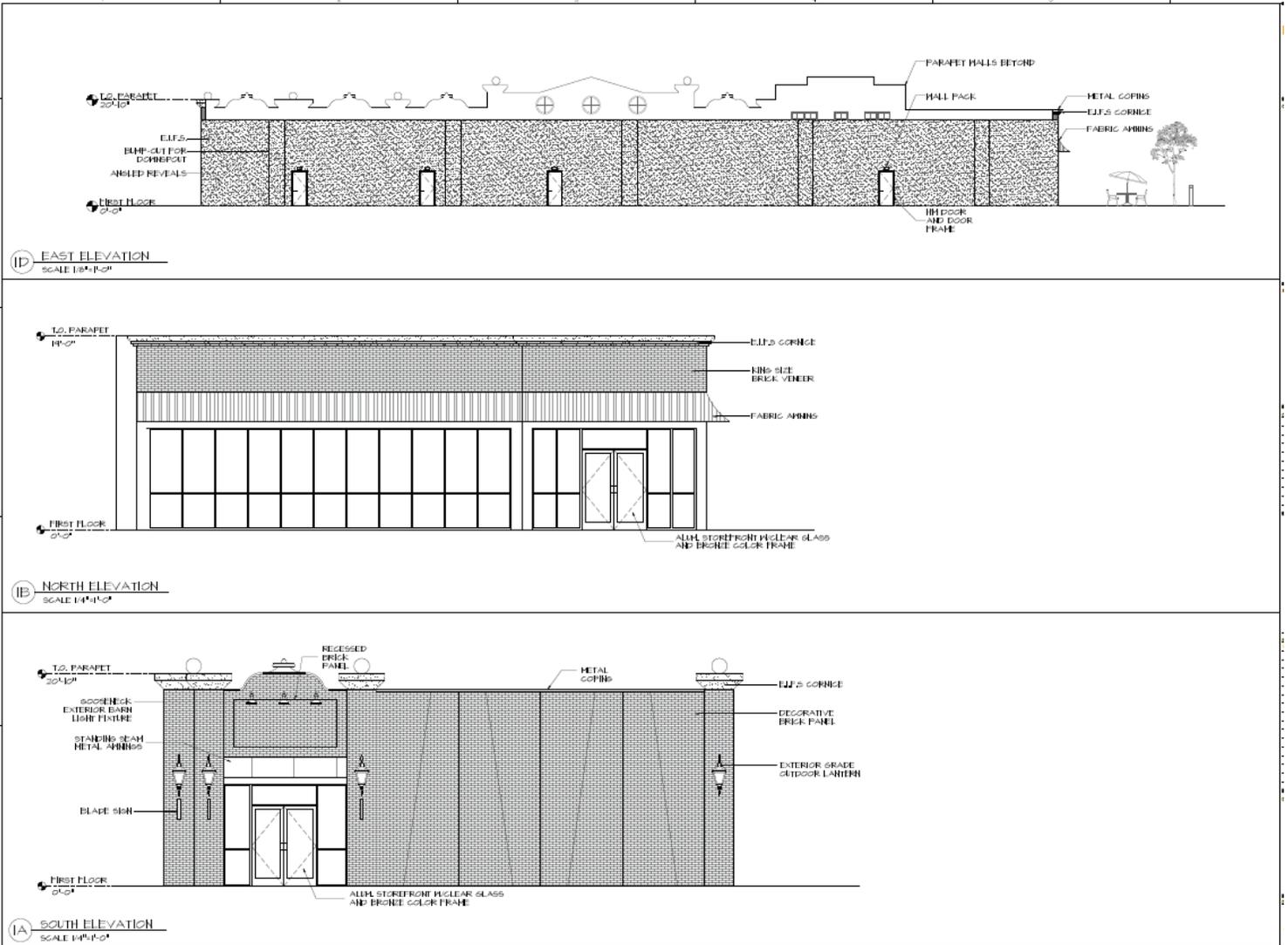
PROPOSED CONCEPTUAL SITE PLAN

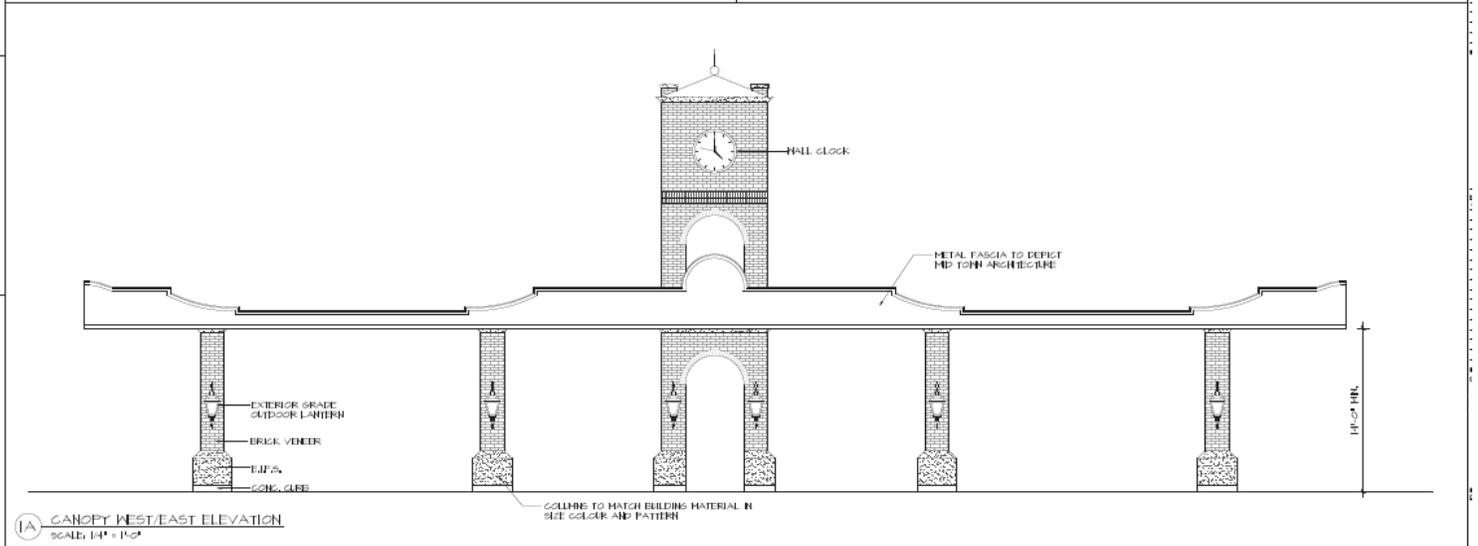
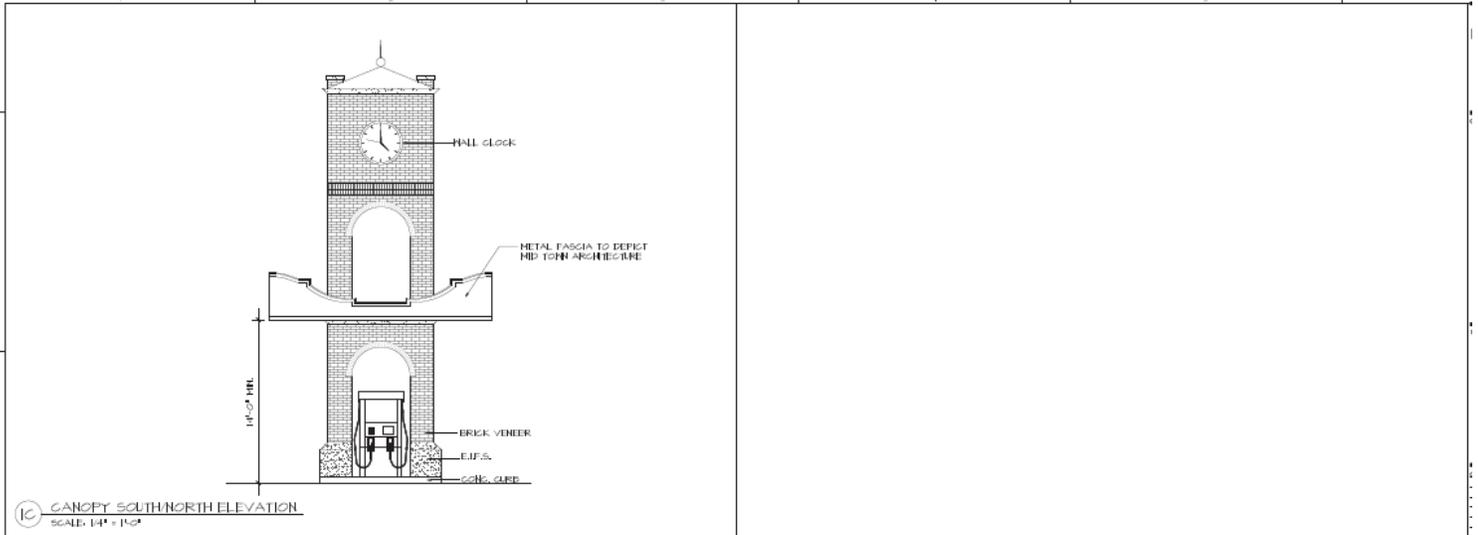


The conceptual design incorporates adjacent right-of-way approved for closure by City Council (see SAC 20-21) for access from Sam Cooper; however, conditions of closure have not yet been met. Because the right-of-way is zoned residential, UDC Section 4.4.5 would prohibit its use for driveway purposes unless incorporated into the planned development once closed or otherwise rezoned.

PROPOSED CONCEPTUAL ELEVATIONS







PROPOSED CONCEPTUAL RENDERINGS









STAFF ANALYSIS

Request

The request is for a special use permit for a planned commercial development with gas pumps.

The application form and letter of intent have been added to this report.

Applicability

Staff **disagrees** that at least one of the objectives as set out in Section 4.10.2 of the Unified Development Code is or will be met.

4.10.2 Applicability

The governing bodies may, upon proper application, grant a special use permit for a planned development (see Chapter 9.6) for a tract of any size within the City or for tracts of at least three acres in unincorporated Shelby County to facilitate the use of flexible techniques of land development and site design, by providing relief from district requirements designed for conventional developments, and may establish standards and procedures for planned developments in order to obtain one or more of the following objectives:

- A. Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.*
- B. Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.*
- C. Functional and beneficial uses of open space areas.*
- D. Preservation of natural features of a development site.*
- E. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.*
- F. Rational and economic development in relation to public services.*
- G. Efficient and effective traffic circulation, both within and adjacent to the development site, that supports or enhances the approved transportation network.*
- H. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.*
- I. Revitalization of established commercial centers of integrated design in order to encourage the rehabilitation of such centers in order to meet current market preferences.*
- J. Provision in attractive and appropriate locations for business and manufacturing uses in well-designed buildings and provision of opportunities for employment closer to residence with a reduction in travel time from home to work.*
- K. Consistency with the Memphis 3.0 General Plan.*

General Provisions

Staff **disagrees** the general provisions as set out in Section 4.10.3 of the Unified Development Code are or will be met.

4.10.3 General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations of the Land Use Control Board and the Zoning Administrator which shall be forwarded pursuant to provisions contained in this Chapter.

- A. *The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.*
- B. *An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.*
- C. *The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.*
- D. *Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.*
- E. *Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.*
- F. *Lots of record are created with the recording of a planned development final plan.*

Commercial or Industrial Criteria

Staff **agrees** the additional planned commercial or industrial development criteria as set out in Section 4.10.5 of the Unified Development Code are or will be met.

4.10.5 Planned Commercial or Industrial Developments

Approval of a planned commercial or industrial development may be issued by the governing bodies for buildings or premises to be used for the retail sale of merchandise and services, parking areas, office buildings, hotels and motels and similar facilities ordinarily accepted as commercial center uses and those industrial uses which can be reasonably be expected to function in a compatible manner with the other permitted uses in the area. In addition to the applicable standards and criteria set forth in Section 4.10.3, planned commercial or industrial developments shall comply with the following standards:

- A. *Screening*

When commercial or industrial structures or uses in a planned commercial or industrial development about a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies.
- B. *Display of Merchandise*

All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored, within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.
- C. *Accessibility*

The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development.
- D. *Landscaping*

Landscaping shall be required to provide screening of objectionable views of uses and the reduction of noise. High-rise buildings shall be located within the development in such a way as to minimize any

adverse impact on adjoining low-rise buildings.

Approval Criteria

Staff **disagrees** the special use permit approval criteria as set out in Section 9.6.9 of the Unified Development Code are being met.

9.6.9 Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

- A. The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.*
- B. The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.*
- C. The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.*
- D. The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.*
- E. The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- F. The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.*
- G. The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.*
- H. Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.*

Site Description

The subject site, within the Lincoln Park Subdivision, has an area of approximately 1.6 acres. It has three frontages: 169 feet on Tillman, a minor arterial; 388 feet on Sam Cooper, a minor arterial; and 258 feet on Broad, a major collector. The site is vacant.

Site Zoning History

In 2010, the Memphis City Council approved UV 10-7, a use variance for a farmers market on part of this site. In 2015, Council approved PD 15-318, a special use permit for a planned development of a veterinary clinic. No outline plan was ever recorded, although – because one was filed for review – the Council approval does not expire until December 2021. In 2021, Council approved the closure of part of the adjacent Autumn Ave. right-of-way. That land has been included in the plans of the present proposal, although the right-of-way has not yet been closed.

Plan Review

A full plan review will take place during final plan review, if approved.

Staff Inspiration Photo



A pedestrian area in New Orleans mediates retail access from both the rear parking area and street sidewalk, provides a quasi-public space and restaurant seating, and acts as a mental entryway.

Conclusions

Spire Enterprises has requested a special use permit for a planned commercial development with gas pumps.

The site is split-zoned between Residential – 6 (R-6) and Commercial Mixed Use – 1 (CMU-1). The south third, along Sam Cooper, is zoned R-6, whereas the northern two thirds, along Broad, are zoned CMU-1. The site is also partially overlaid with a 2015 planned development that ties the land, including some residentially-zoned sections, to CMU-1 zoning. No outline or final plan was ever recorded, and that approval is set to expire in December 2021. The present request concerns a greater area than the 2015 approval. For this reason, it is considered a new planned development, rather than an amendment.

In February 2021, the Memphis City Council and Shelby County Board of Commissioners approved a zoning text amendment that restricted gas pumps in the CMU-1 district. Today, no gas pumps are permitted by right in the CMU-1 district; any proposed gas pumps in that district require legislative approval.

The purpose of this zoning text amendment was: 1) to bring the CMU-1 district's permitted uses closer in line with its intent as a neighborhood-oriented zone in which "auto-oriented uses are not appropriate;" and 2) to address Memphis's high rate of gas stations per capita as compared to other Shelby County municipalities and other sister cities. In addition, there is presently a City-wide moratorium on new gas pumps to allow the Council time to study this latter matter.

The subject site is less than 30 feet from single-family houses within a single-family residential zoning district to its west. It is also adjacent to an existing convenience store with gas sales on the north side of Broad. Additionally, it is cater-corner to a retail center emphasizing community economic development owned by the public nonprofit Economic Development Growth Engine to the southeast. On the south side of Sam Cooper is the newly-built, Black-led Collage Dance Collective ballet house. Contemporary commercial development includes the nearby Hampline Brewery, opened in early 2021.

The just-completed Hampline, part of the City's signature bicycle corridor, wraps around the site's Broad and Tillman frontages. Increased traffic associated with gas sales may jeopardize bicyclist safety.

Given recent policy changes regarding gas sales in the CMU-1 district, the site's adjacency to both single-family houses and existing gas pumps, the character of recent development activity in the area, and the site's location on the Hampline, staff finds that an up-zoning for the purpose of permitting gas sales does not meet the approval criteria.

Staff has recommended certain changes to the site design, if approved, to orient the development towards Tillman and the public domain. As proposed by the applicant, all entrances face backward into the parking area, while a blank back wall with utilities and service doors fronts Tillman.

RECOMMENDATION

Staff recommends *rejection*.

However, if approved, staff recommends the following outline plan conditions:

- I. Permitted Uses, Building Envelope Standards, and General Development Standards
 - A. As if zoned Commercial Mixed Use – 2, with the following exceptions:
 - i. The maximum height shall be 48 feet.
 - ii. A Class III landscape buffer shall be installed along the western property line.
 - iii. No outdoor display, storage, or sales shall be permitted, with the exception of gas sales.
 - iv. No window signs or plastic signs shall be permitted.
 - v. All facades that front Tillman shall have a minimum transparency of 70% as measured between 3 and 8 feet from the finished walk. Side facades shall have a minimum transparency of 30% as measured between 3 and 8 feet from the finished walk. Rear facades shall not have a transparency requirement.
 - vi. All facades shall be of masonry construction, unless otherwise approved by the Zoning Administrator. Artificial architectural features such as faux windows shall not be permitted. Plastic awnings shall not be permitted.
- II. Site Design
 - A. The convenience store shall be to the west of the gas canopy. Other retail shall be to the east of the gas canopy. Robust pedestrian facilities constructed of unique pavers or a similar material shall connect the western and eastern retail areas to each other – as well as to public sidewalks, bicycle parking, etc. Such facilities should incorporate a thoughtfully-designed, covered or uncovered pedestrian area between the eastern retail bays that may double as a quasi-public space and center entryway. Special consideration shall be given to the coordination, placement, and screening of utilities.
 - B. All primary entrances and facades shall front Tillman. Secondary customer entrances that front the north or south may be permitted. However, customer entrances shall not be permitted to front the west; such rear entrances may be permitted as service entrances.
 - i. If – within the eastern retail area – a retail bay is not within 20 feet of the Tillman facade, staff may permit primary entrances that do not front the east.
 - C. Access points shall be offset to discourage cut-through traffic.
 - D. A bicycle repair stand and air pump, specifications of which shall be approved administratively, shall be installed for public use.
 - E. Final site design shall be subject to administrative approval.
- III. Final Plan
 - A. A traffic impact study and traffic signal warrant analysis shall be conducted. If warranted, a traffic signal at the intersection of Broad and Tillman shall be designed and installed by the applicant. Such design shall address the Hampline bicycle corridor.
 - B. Approval by the City Engineer may be required.
 - C. If adjacent Autumn Ave. right-of-way is closed, that land may be incorporated into this planned development subject to administrative approval.

DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

City Engineer:

1. Standard Subdivision Contract or Street Cut Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

2. City sanitary sewers are available to serve this development.
3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

Roads:

4. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
5. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.
6. The existing raised median opening for the cycle track on Broad Avenue does not appear to match the proposed curb cut. The median opening shall be reconstructed along with the installation of the necessary pavement markings, signage, and delineators.
7. The existing median opening on Tillman shall be closed by extending the median and filling in the break.
8. Sidewalks shall be installed along all street frontages.
9. Dedicate a chord from end of property line radius to end of property line radius at the corner of Tillman Street at Sam Cooper for the establishment of a Traffic Signal Easement.

Traffic Control Provisions:

10. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5 foot wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5 foot clear pedestrian path, an exception may be considered.
11. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.

12. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

13. The City Engineer shall approve the design, number and location of curb cuts.

14. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

Drainage:

15. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.

16. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.

17. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.

18. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

19. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

Site Plan Notes:

20. The Site Plan lacks basic information such as street curb lines, sidewalk, cycle track medians, etc.

21. Eliminate the multiple extraneous property lines from the Site Plan.

City Fire Division:

- All design and construction shall comply with the 2015 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternate methods of protection are provided.
- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

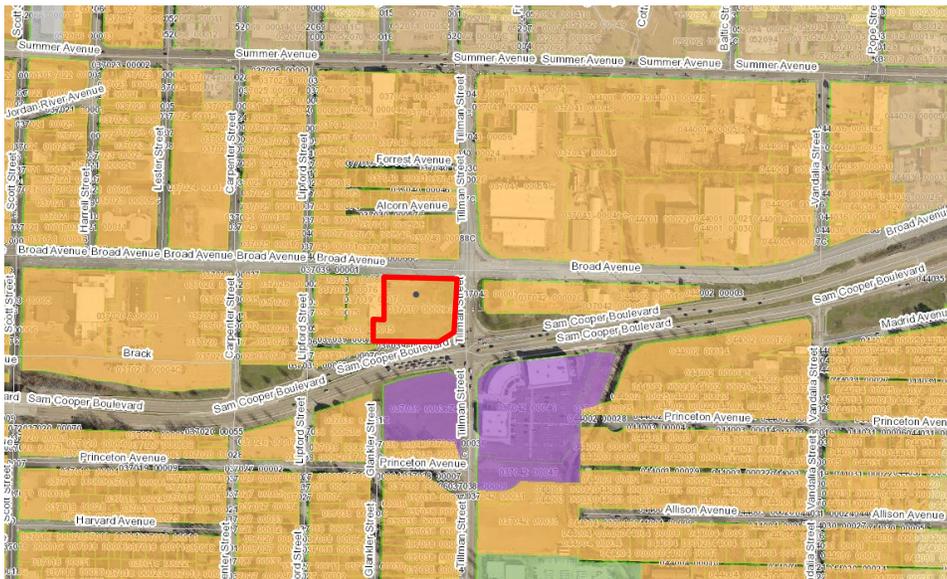
Dept. of Comprehensive Planning:

Land Use Designation (see page 80 for details): Anchor Neighborhood- Mix of Building Types (AN-M)

Based on the future land use and degree of change map the proposal IS CONSISTENT with the Memphis 3.0 Comprehensive Plan.

The following information about the land use designation can be found on pages 76 – 122:

1. FUTURE LAND USE PLANNING MAP



Red polygon indicates the application sites on the Future Land Use Map.

2. Land use description & applicability:

Mix of Building Types Anchor Neighborhoods are a combination of one to three-story house-scale buildings with building scale large home and apartments of up to four stories close to anchors and along corridors. In these neighborhoods is a mix of attached, semi-detached, and detached residential, all located within a 10-minute walk from the anchor destination. Any mixed-use is along corridors, allowing shopping destinations to connect between mixed-use and residential neighborhoods.



“AN-M” Goals/Objectives:

Preservation, stabilization, and/or intensification of neighborhoods, focusing investment toward areas that support plan goals and objectives, locating housing near services, jobs, transit, building up not out.

“AN-M” Form & Location Characteristics:

ACCELERATE: Primarily detached, single-family house-scale residences of 1-3 stories in height. Attached, house-scale single-family, duplexes, triplexes and quadplexes of 1-3 stories in height permitted on parcels within 200 feet of an anchor and at intersections where the presence of such housing type currently exists. Building-scale large homes and apartments of 2-4 stories in height permitted on parcels within 100 feet of an anchor; at intersections where the presence of such housing type currently exists at the intersection. Other housing and commercial types along avenues, boulevards and parkways as identified in the Street Types Map where same types exist on one or more adjacent parcels.

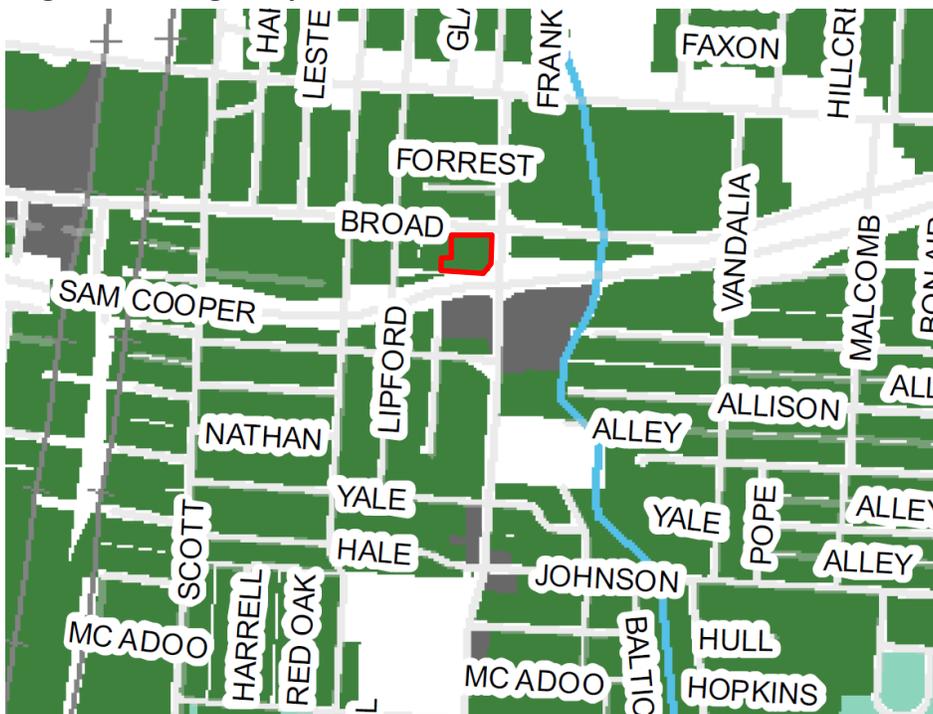
The applicant is seeking approval for a planned development with the intention of developing a retail center to include retail bays, a convenience store with a fuel center and a community plaza.

The request does not meet the criteria of AN-M, Accelerate because the proposed Planned development is located along SW corner of Tillman and Broad Avenue which are identified as avenue and parkway in the Street Types Map. The same type of uses does not exist on one or more adjacent parcels.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: Single-Family, Office, Parking, Vacant, and Commercial. The subject site is surrounded by the following zoning districts: CMU-1, CMU-3, and R-6. This requested land use is compatible with the adjacent zoning districts because *existing zoning district surrounding the parcels is dissimilar in nature to the requested use.*

4. Degree of Change map



Red polygon denotes the proposed site in Accelerate Degree of Change area.

5. Degree of Change Descriptions

Requested parcel is designated as Nurture areas on the degree of change map.

Accelerate areas rely on a mix of primarily private and philanthropic resources along with some public resources to intensify the existing pattern of a place.

Actions for Accelerate anchors and anchor neighborhoods are meant to:

- Improve public realm and infrastructure
- Improve multi-modal transportation options
- Speed up development activity
- Increase density
- Increase mix of uses
- Promote and protect affordable housing

Ways to Accelerate:

- Increase building height
- Allow greater mix of uses
- Attract retail and service uses that cater to larger-scale markets
- Reduce building setbacks or establish build-to lines
- Construct new streets or pathways to increase connectivity within large sites
- Consolidate smaller lots into larger parcels that are more attractive for development
- Consider tax increment financing (TIF) districts
- Improve or create parks and civic assets
- Promote pedestrian-oriented infill development
- Reduce surface parking in favor of structured parking and parking demand management options

The proposed application is incongruent with the degree of change designation as it does not address the public realm or promote pedestrian-oriented infill development.

Based on the information provided, the proposal IS INCONSISTENT with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Faria Urmy, Comprehensive Planning.

City Real Estate:	No comments received.
County Health Department:	No comments received.
Shelby County Schools:	No comments received.
Memphis Light, Gas and Water:	No comments received.
Dept. of Sustainability and Resilience:	No comments received.
Dept. of Construction Enforcement:	No comments received.

APPLICATION FORM



Memphis and Shelby County
Office of Planning and Development

CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

**APPLICATION FOR PLANNED DEVELOPMENT APPROVAL
 (OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)**

Date: April 8th, 2021

Case #: PD 21-015

PLEASE TYPE OR PRINT

Name of Development: Broad Avenue Plaza

Property Owner of Record: MVS Real Estate Mid Town LLC Phone #: _____

Mailing Address: 555 Trinity Creek Cove City/State: Cordona/TN Zip 38018

Property Owner E-Mail Address: _____

Applicant: Spire Enterprises Phone # 901-494-1559

Mailing Address: P.O. Box 77065 City/State: Memphis/TN Zip 38177

Applicant E-Mail Address: realestate@johnbehnke.us

Representative: John Behnke Phone #: 901-494-1559

Mailing Address: P.O. Box 770065 City/State: Memphis/TN Zip 38177

Representative E-Mail Address: realestate@johnbehnke.us

Engineer/Surveyor: David Bray, P.E. - The Bray Firm Phone # 901-383-8668

Mailing Address: 2950 Stage Plaza North City/State: Bartlett/TN Zip 38134

Engineer/Surveyor E-Mail Address: dgbay@comcast.net

Street Address Location: 2977 Broad Avenue, Memphis, TN 38112-2957

Distance to nearest intersecting street: property located at the corner of Sam Cooper Blvd/Broad Avenue & Tilman Road

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>1.636</u>		
Existing Zoning:	<u>commercial</u>		
Existing Use of Property	<u>vacant land</u>		
Requested Use of Property	<u>retail shops/C-store</u>		

Medical Overlay District: Per Section 8.2.2D of the UDC, no Planned Developments are permitted in the Medical Overlay District.

Unincorporated Areas: For residential projects in unincorporated Shelby County, please provide the following information:

Number of Residential Units: N/A Bedrooms: N/A

Expected Appraised Value per Unit: N/A or Total Project: N/A

Amendment(s): Is the applicant applying for an amendment to an existing Planned Development?

Yes No

The following modifications to existing planned developments are considered amendments: 1) a change to the permitted uses in a planned development, except in situations where a use of a higher classification is proposed to be changed to a use of a lower classification; 2) a modification to conditions that phases the uses, and 3) a conversion of public streets. See Section 9.6.11E(1) of the UDC for further details.

4.10.3 Planned Development General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations to the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in section 4.10.3:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

The proposed development will not effect the above. The subject site is located at the corner of a high traffic corridor and surrounding properties are already developed. The proposed use is compatible with the other commercial uses nearby and will not negatively impact their use, value or enjoyment.

- An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.

These infrastructure items are already present or will be added concurrent with the development.

- The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses... (see UDC sub-section 4.10.3C)

The site plan provides for thoughtful arrangement of all design elements to be in harmony surrounding land uses.

- Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.

The project will comply with the design standards of PD 15-318.

- Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.

The community plaza will have a contact person and/or system for scheduling.

- Lots of records are created with the recording of a planned development final plan.

N/A

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: Fall 2020 with Mr. Brett Davis

NEIGHBORHOOD MEETING – At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2).

Neighborhood Meeting Requirement Met: Yes or Not Yet (Circle one)
(If yes, documentation must be included with application materials)

SIGN POSTING – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

I (we) hereby make application for the Planned Development described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

<u>Todd Tobias</u>	<u>04.08.2021</u>	<u>John Behnke</u>	<u>04/08/2021</u>
Property Owner of Record	Date	Applicant	Date

**GUIDE FOR SUBMITTING
PLANNED DEVELOPMENT APPLICATION
(OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)**

- A. **THE APPLICATION** - Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the Outline and/or Site/Concept Plan, shall be provided on sheets of 8.5"x11" in size. The application with original signatures shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:
- 1) This application, 8.5"x11" Outline and/or Site/Concept Plan, Legal Description, Vicinity Map, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" Outline and/or Site/Concept Plan (folded), copy of Deed(s).
 - 2) A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".
- B. **LETTER OF INTENT** - The letter shall include the following:
- a) A brief narrative statement generally describing the nature, location and extent of the development and the market it is intended to serve.
 - b) A list of any professional consultants associated with the proposed development.
 - c) A written statement generally describing the relationship of the proposed development to the current policies and plans of the City and County. The statement shall include how the proposed

LETTER OF INTENT



April 4th, 2021

Brett Davis
Land Use & Development Services
Memphis & Shelby County division of Planning & Development
City Hall, 125 N. Main Street, Suite 477
Memphis, Tennessee 38103

Re: Application for Planned Development approval
Convenience store w/pumps | retail bays | community plaza
2977 Broad Avenue, Memphis, TN 38112

Dear Mr. Davis,

We are pleased to submit an Application for a Planned Development on behalf of San Investment 5 LLC, as applicant and also the existing owner of the subject property requesting approval for the development. The purpose of this application is to request approval for a Planned Development to allow a retail center to include retail bays, a convenience store with a fuel center and a community plaza.

Consultation with planning staff for pre-application review began in July 2020, however, the most recent review was done January 4th, 2021 to discuss the request, obtain forms, review process and look at mapping/plans of the proposed site.

The subject property is 1.636 acres in size in zoning district CMU-1. The land has been vacant for many years with previous development attempts having not been pursued. A planned development (PD15-318) was approved in December of 2015 which permitted convenience store with pumps.

Under the applicant's proposal the site will be developed with a new 8,365 sq. ft. multi-architectural designed building facing to the interior with pedestrian access to each store from Tillman. There will be up to 6 retail bays, a convenience store with 4 gasoline fuel pumps for a total of 8 individual pumps and a community plaza. The end cap stores will have covered outdoor seating. A bike rack with a bike aire/repair station will be located at the front of the complex for use free of charge. An original concept fuel canopy with a clock tower has been integrated in to the design. The stores and exterior parking lot will be well lighted with numerous security cameras. There will be a total of 26 parking spaces with two reserved for handicap. Landscaping is planned for all sides of the property. A community plaza with its own canopy, landscaping and power hook-ups will be on the East side of the property.

Traffic flow will ingress/egress primarily from Sam Cooper Boulevard and to a lesser degree from Broad Avenue with a single curb cut for each. The breaks in the land curbs on Broad Avenue will be reconfigured for access alignment. The gasoline pump placement will provide an efficient queuing pattern and ease of maneuverability within the site. At the request of Rev. Keith Norman of First Baptist Church, the applicant will work with DPD and Traffic Engineering for a signal at Broad Avenue and Tillman Street.



The Long Range Transportation Plan has designated Sam Cooper as an Urban Freeway, Tillman as an Urban Minor Arterial and Broad Avenue as an Urban Other Principal Arterial. The traffic flow to and from the store will have negligible impact on residential areas.

Pursuant to Section 9.69 and Section 2.6.3-J of the UDC, Planned Development/SUP Permit Criteria a permit may be granted providing the stated criteria are met. [see attached for more detail] To wit:

- The drive thru queuing spaces and proposed uses streamline traffic flow/turning movements within the site and provide safe, easy access to and fro at the location. Ample parking spaces are provided to accommodate customers and employees.
- Overall uses at the property will provide desired services to the area and to travelers from Sam Cooper Blvd and is also pedestrian friendly.
- Adjacent properties will benefit from a clean, secure and modern retail center, convenience store facility and a community plaza.
- Adequate emergency services and street, sidewalk, curb cuts, utilities and sewer capacity exist.
- The completed design will be congruent with the surrounding area and its primary goal will be to serve the people nearby striving for a pleasant consumer shopping experience as well as the opportunity for a community gathering place.
- It is unlikely that any investor would develop this land for residential use.

Spire Enterprises is requesting a finding that developing the land for retail stores, a convenience store with gasoline pumps and community plaza at the subject site would be substantially in compliance with the policies, goals, objectives and spirit of Memphis/Shelby County zoning ordinance(s) and that a Planned Development for the proposed use should be granted.

Thank you,

SPIRE ENTERPRISES

John Behnke
Consultant

PROPERTY OWNER'S AFFIDAVIT

PD -Sam Cooper & Tillman



Property Owner's Affidavit

In the event the applicant is not the Owner, the following shall be signed and acknowledges by the owner.

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

I, MVS Real Estate Mid-Town LLC, state that I have read the definition of "Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

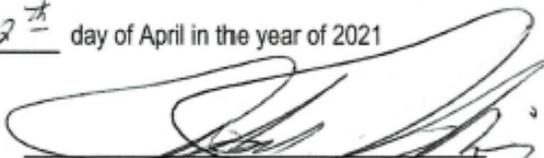
- I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises
- I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at 2977 Broad Avenue Memphis 38112 and further identified by Assessor's Parcel Number 037039 0009C, for which an application is being made to the Division of Planning and Development.

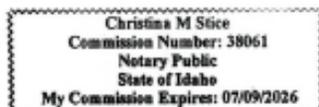
Subscribed and sworn to (or affirmed) before me this 12th day of April in the year of 2021



Signature of Notary Public



MVS - Todd Tobias, Principal



My Commission Expires 07-09-2026

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, John Behnke, being duly sworn, depose and say that at 3:00 am/pm on the 4th day of May, 2021, I posted a Public Notice Sign(s) pertaining to Case No. _____ at _____, providing notice of a Public Hearing before the xxx Land Use Control Board, _____ Memphis City Council, _____ Shelby County Board of Commissioners for consideration of a proposed Land Use Action (_____ Planned Development, xxx Special Use Permit, _____ Zoning District Map Amendment, _____ Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

John Behnke
Owner, Applicant or Representative

MAY 5th, 2021
Date

Subscribed and sworn to before me this 5th day of May, 2021.

[Signature]
Notary Public

My commission expires: **MY COMMISSION EXPIRES
APRIL 22, 2022**



LETTERS RECEIVED

One letter of opposition was received at the time of publication. It is pasted below.

Hi Brett!

My name is Sean Davis and I am a lifelong resident of Memphis, TN and have lived in the Highpoint Terrace Neighborhood for the past 5 years. As a resident of this neighborhood and frequent cyclist who bikes to work and uses the Broad Avenue bike lanes to get to Overton Park from Highpoint to Downtown multiple times a week I would like to let my feelings be known about the proposed gas station at Sam Cooper and Broad Avenue is a very bad idea.

I am definitely against this gas station and would like to give you my personal feelings as to why I think this is a very bad idea from the viewpoint of someone who has logged hundreds of trips through that area in the past few years. Here are my main points:

1. Safety - This is my number one reason there should not be a gas station at that location. Creating an entrance where cars are pulling in and out constantly is going to create a huge safety issue for people walking and biking over there. I'd say over half the time I am biking on bike lanes on Broad and Tillman people just do not see cyclists and I'm having close calls all the time. I know there are other entrances to businesses like the Church Health Center where cars are turning but they would not have near the number of cars pulling in and out a gas station would. Also since Sam Cooper and Broad is so congested you are going to have cars blocking the bike lanes while waiting to exit the gas station.
2. Congestion - Sam Cooper and Broad is almost always congested right now and adding more traffic right there with people is going to make it much worse. There does need to be a light there and that's the only good thing this proposal has attached to it.
3. I know the gas station wants to be a place to hang out and they are trying to make this the main selling point to make it fit in with the neighborhood. I've never seen a gas station where people want to hang out no matter how many amenities are there. Watching cars and smelling all the interesting smells and sounds all the cars make going down Sam Cooper does not make a good place to hang out.
4. I think the last and easiest point I would like to make is that there is already a gas station across the street. I know many areas of the city have 2 gas stations across the street from each other but I think a special consideration should be made since Broad avenue is such a bike conduit to other parts of the city.

In closing, Broad Avenue has come a long way as a pedestrian and bicycle friendly part of town. I am young enough to remember driving with my parents down Broad before Sam Cooper bypassed it. I also remember how it was a ghost town for so many years until its recent resurgence. Its a very unique part of Memphis and please don't ruin the progress Broad Avenue has made by introducing even more automobile traffic to that area.

I am available to talk during the Zoom meeting about this on May 13th. Also my number is 901-277-3181 if you need to reach me in person.

Thank you for your time,
Sean Davis

From: [Elizabeth Terrell](#)
To: [Davis, Brett](#)
Subject: 2977 Broad Ave.
Date: Monday, June 7, 2021 7:24:35 PM

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Davis,

I had the joy and pleasure of meeting with John Behnke on May 26th at 2977 Broad Ave. to discuss his plans for the development of that corner. I am totally in favor of this development. I think it will be a welcoming presence to travelers both entering and exiting the expressway. It will provide an area for people to sit outside and eat lunch, whether traveling or in the neighborhood. Bicyclists can stop and repair their bicycles, get refreshments and have access to restrooms.

I love that the outside of the shops architecturally reflect the time period of the beginning of the neighborhood. It makes this development fit into the neighborhood and shows the care and concern that Mr. Behnke has for the area. I look forward to seeing this development completed on this corner. I am a property owner in Binghampton and I am currently renovating a house there.

Sincerely,
Rev. Liz Terrell
901-647-2788

Sent from my iPhone

July 1, 2021

Mr. Brett Davis, Municipal Planner
Memphis/Shelby County Dept. of Planning & Development
125 N. Main Street, Suite 477
Memphis, TN 38103

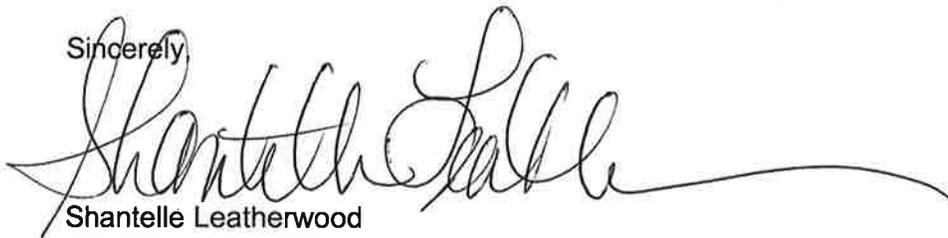
Dear Mr. Davis,

We have received the site plan for the proposed development at Sam Cooper and Tillman. John Behnke has taken the time to review all of the details of the proposed plan and we are in support of the project.

The developer has graciously offered to provide Christ Community Health Services with much needed parking for employees and medical staff at the Southwest corner of the proposed development. We would very much appreciate and respectfully ask that you and the City Council support us in integrating the additional parking we need into the final plan. This feature will ensure added safety and convenience to our people for access to our clinic.

We are delighted to see this land will finally be put to a productive use.

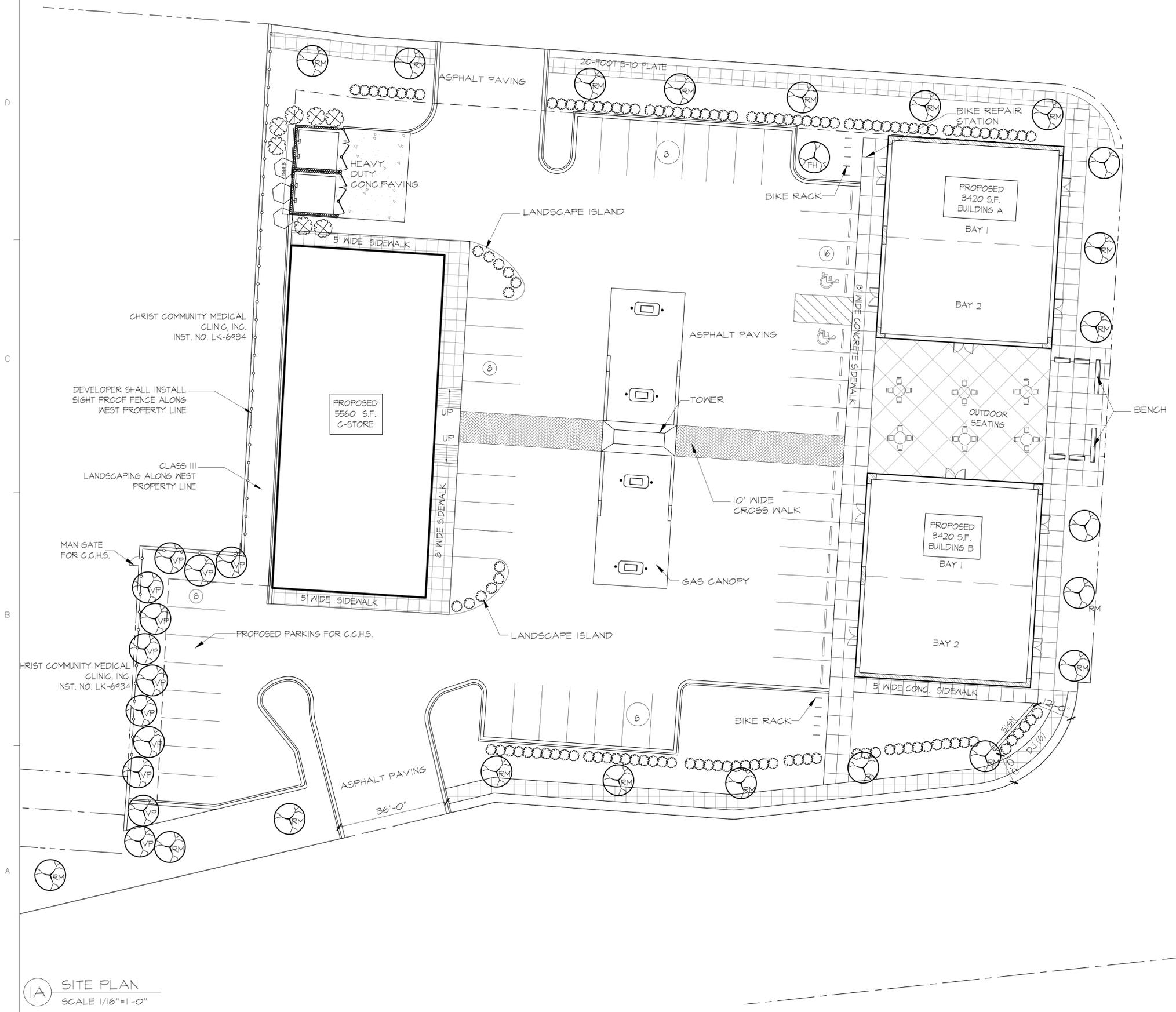
Sincerely,



Shantelle Leatherwood
Chief Executive Officer

cc: John Behnke
Spire Enterprises

B R O A D A V E N U E
(R.O.W. VARIES)



OUTLINE PLAN CONDITIONS:

- I. PERMITTED USES, BUILDING ENVELOPE STANDARDS, AND GENERAL DEVELOPMENT STANDARDS
 - A. AS IF ZONED COMMERCIAL MIXED USE - 2, WITH THE FOLLOWING EXCEPTIONS:
 - i. THE MAXIMUM HEIGHT SHALL BE 48 FEET.
 - ii. A CLASS III LANDSCAPE BUFFER SHALL BE INSTALLED ALONG THE WESTERN PROPERTY LINE.
 - iii. NO OUTDOOR DISPLAY, STORAGE, OR SALES SHALL BE PERMITTED, WITH THE EXCEPTION OF GAS SALES.
 - iv. NO WINDOW SIGNS OR PLASTIC SIGNS SHALL BE PERMITTED.
 - v. ALL FACADES THAT FRONT TILLMAN SHALL HAVE A MINIMUM TRANSPARENCY OF 70% AS MEASURED BETWEEN 3 AND 8 FEET FROM THE FINISHED WALK. SIDE FACADES SHALL HAVE A MINIMUM TRANSPARENCY OF 30% AS MEASURED BETWEEN 3 AND 8 FEET FROM THE FINISHED WALK. REAR FACADES SHALL NOT HAVE A TRANSPARENCY REQUIREMENT.
 - vi. ALL FACADES SHALL BE OF MASONRY CONSTRUCTION, UNLESS OTHERWISE APPROVED BY THE ZONING ADMINISTRATOR. ARTIFICIAL ARCHITECTURAL FEATURES SUCH AS FAUX WINDOWS SHALL NOT BE PERMITTED. PLASTIC AWNINGS SHALL NOT BE PERMITTED.
- II. SITE DESIGN
 - A. THE CONVENIENCE STORE SHALL BE TO THE WEST OF THE GAS CANOPY. OTHER RETAIL SHALL BE TO THE EAST OF THE GAS CANOPY. ROBUST PEDESTRIAN FACILITIES CONSTRUCTED OF UNIQUE PAVERS OR A SIMILAR MATERIAL SHALL CONNECT THE WESTERN AND EASTERN RETAIL AREAS TO EACH OTHER - AS WELL AS TO PUBLIC SIDEWALKS, BICYCLE PARKING, ETC. SUCH FACILITIES SHOULD INCORPORATE A THOUGHTFULLY-DESIGNED, COVERED OR UNCOVERED PEDESTRIAN AREA BETWEEN THE EASTERN RETAIL BAYS THAT MAY DOUBLE AS A QUASI-PUBLIC SPACE AND CENTER ENTRYWAY. SPECIAL CONSIDERATION SHALL BE GIVEN TO THE COORDINATION, PLACEMENT, AND SCREENING OF UTILITIES.
 - B. ALL PRIMARY ENTRANCES AND FACADES SHALL FRONT TILLMAN. SECONDARY CUSTOMER ENTRANCES THAT FRONT THE NORTH OR SOUTH MAY BE PERMITTED. ~~HOWEVER, CUSTOMER ENTRANCES SHALL NOT BE PERMITTED TO FRONT THE WEST, SUCH REAR ENTRANCES MAY BE PERMITTED AS SERVICE ENTRANCES.~~
 - C. ACCESS POINTS SHALL BE OFFSET TO DISCOURAGE CUT-THROUGH TRAFFIC.
 - D. A BICYCLE REPAIR STAND AND AIR PUMP, SPECIFICATIONS OF WHICH SHALL BE APPROVED ADMINISTRATIVELY, SHALL BE INSTALLED FOR PUBLIC USE.
 - E. FINAL SITE DESIGN SHALL BE SUBJECT TO ADMINISTRATIVE APPROVAL.
- III. FINAL PLAN
 - A. A TRAFFIC IMPACT STUDY AND TRAFFIC SIGNAL WARRANT ANALYSIS SHALL BE CONDUCTED. IF WARRANTED, A TRAFFIC SIGNAL AT THE INTERSECTION OF BROAD AND TILLMAN SHALL BE DESIGNED AND INSTALLED BY THE APPLICANT. SUCH DESIGN SHALL ADDRESS THE HAMPLINE BICYCLE CORRIDOR.
 - B. APPROVAL BY THE CITY ENGINEER MAY BE REQUIRED.
 - C. IF ADJACENT AUTUMN AVE. RIGHT-OF-WAY IS CLOSED, THAT LAND MAY BE INCORPORATED INTO THIS PLANNED DEVELOPMENT SUBJECT TO ADMINISTRATIVE APPROVAL.

NEERAJ KUMAR
B. Arch., M. Arch., M.C.R.P., LEED AP (BD+C)
ARCHITECT (MS License No. 5279)
1255 Lynnfield Road, Suite 226
Memphis, Tennessee 38139
Telephone: 901.603-8765
E-Mail: designgroup50@yahoo.com

OWNER NAME AND ADDRESS
BROAD AVENUE PLAZA,
SAM COOPER BLVD & TILLMAN ST
MEMPHIS, TN

SEAL
CONSULTANTS NAME:

NO.	DATE	ISSUE / REVISION
01	07/20/2021	REVIEW

FOR REVIEW ONLY

NO.	DATE	ISSUE / REVISION
01	07/20/2021	REVIEW

DRAWING NAME
SITE PLAN

DRAWING NUMBER:
A100

IA SITE PLAN
SCALE 1/16"=1'-0"

NEERAJ KUMAR
 B. Arch., M. Arch., M.C.R.P., LEED AP (BD+C)
 ARCHITECT (MS License No. 5279)
 1255 Lynnfield Road, Suite 226
 Memphis, Tennessee 38139
 Telephone: 901.603-8765
 E-Mail: designgroup50@yahoo.com

OWNER NAME AND ADDRESS
BROAD AVENUE PLAZA,

SAM COOPER BLVD & TILLMAN ST
MEMPHIS, TN

SEAL

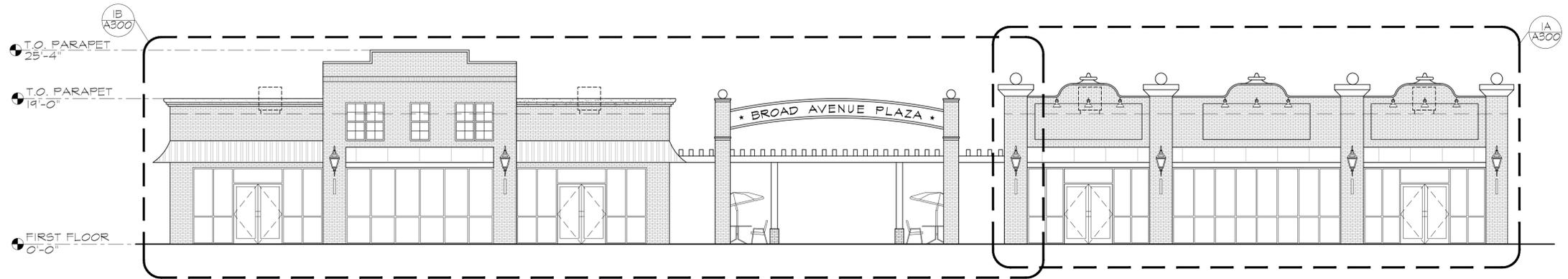
 CONSULTANTS NAME:

FOR REVIEW ONLY

NO.	DATE	ISSUE / REVISION
01	07/20/2021	REVIEW

DRAWING NAME
BUILDING A & BUILDING B EXTERIOR ELEVATIONS

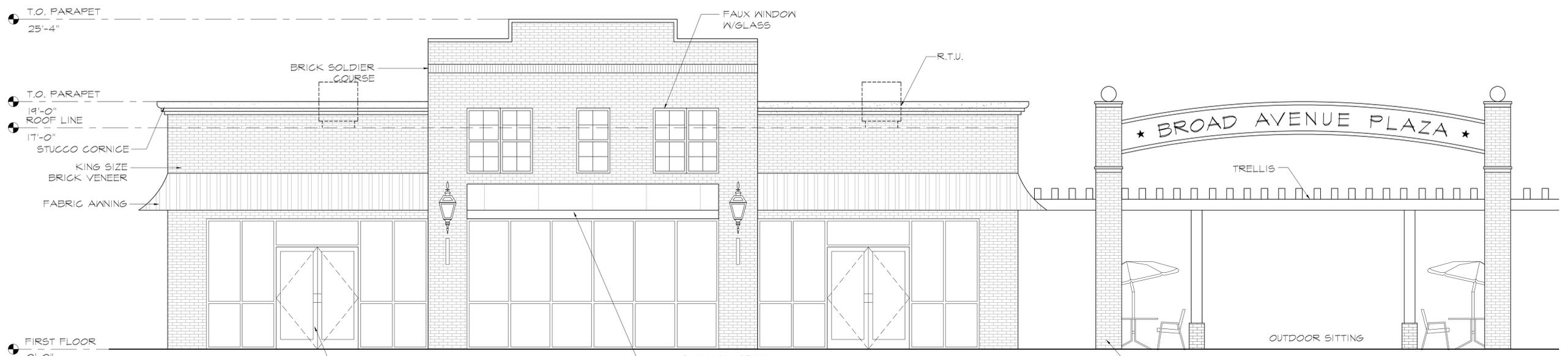
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A300



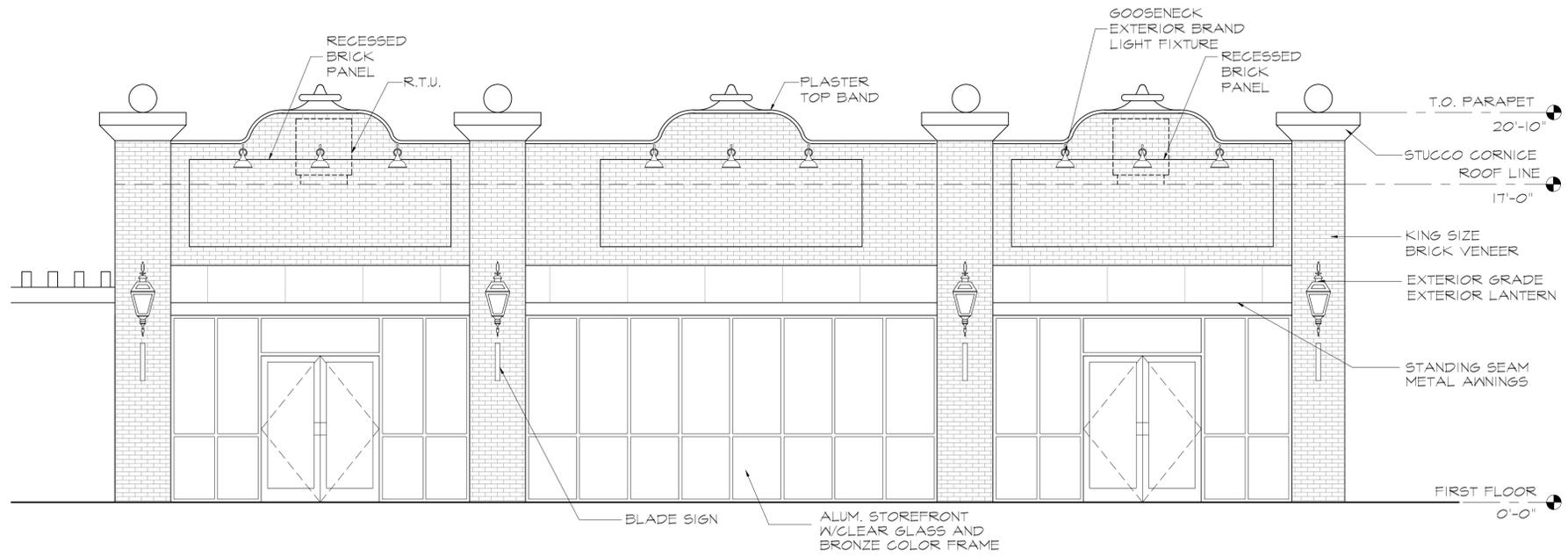
1D EAST ELEVATION
 SCALE 1/8"=1'-0"

BUILDING B

BUILDING A



1B ENLARGED EAST ELEVATION BUILDING B
 SCALE 1/4"=1'-0"



1A ENLARGED EAST ELEVATION BUILDING A
 SCALE 1/4"=1'-0"